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In subsection (c)(2) of this section, the former reference to consumption “only” on the licensed premises is deleted as unnecessary, because the law does not authorize consumption off the licensed premises.

In subsection (f) of this section, the reference to a “different type of” license is substituted for the former reference to “any other” license in light of § 25–1616 of this title, which authorizes the Board to issue not more than three culinary school licenses on behalf of a single culinary school for separate locations.

Former Art. 2B, § 8–216.3(a), which defined “Board” to mean the Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 25–101 of this title.

Former Art. 2B, § 8–216.3(b), which stated that former Art. 2B, § 8–216.3 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 25–101

“County” § 25–101

“Wine” § 1–101

#### **25–1009. FRATERNAL/SORORAL/SERVICE ORGANIZATION LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A FRATERNAL/SORORAL/SERVICE ORGANIZATION BEER, WINE, AND LIQUOR LICENSE.**

##### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A LODGE OR CHAPTER OF A NONPROFIT AND NATIONWIDE FRATERNAL, SORORAL, OR SERVICE ORGANIZATION THAT:**

**(1) IS COMPOSED ONLY OF INDUCTED MEMBERS;**

**(2) WAS OPERATING IN THE COUNTY BEFORE THE LICENSE APPLICATION WAS MADE;**

**(3) HAS A MEMBERSHIP OF AT LEAST 200 INDIVIDUALS AND DUES OF NOT LESS THAN \$5 PER YEAR PER INDIVIDUAL; AND**

(4) OWNS AND OPERATES A CLUBHOUSE THAT IS PRINCIPALLY FOR THE USE OF ITS MEMBERS AND THEIR GUESTS WHEN ACCOMPANIED BY MEMBERS.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, OR LIQUOR TO ITS MEMBERS OR GUESTS ACCOMPANIED BY MEMBERS FOR ON-PREMISES CONSUMPTION.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:

(1) ON MONDAY THROUGH SATURDAY, FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY; AND

(2) ON SUNDAY, FROM NOON TO 1 A.M. THE FOLLOWING DAY.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–301(q)(6) and, as it related to the fraternal/sororal/service organization license, 11–516(b)(3).

In subsection (a) of this section, the reference to a “beer, wine, and liquor” license is added for clarity.

In subsection (b) of this section, the former references to a “bona fide” nonprofit and nationwide fraternal, sororal, or service organization and a “bona fide” membership are deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to the “Board” is added to state expressly what was only implied in the former law, that the Board is the unit that issues the license.

In subsection (b)(1) of this section, the former reference to members who are “duly” elected is deleted as surplusage.

Also in subsection (b)(1) of this section, the reference to “inducted” members is substituted for the former reference to being members “duly elected and initiated in accordance with the rites and customs of that fraternal, sororal, or service organization” for brevity.

In subsection (b)(2) of this section, the former phrase “in existence” is deleted as included in the reference to “operating”.

In subsection (b)(3) of this section, the references to “individuals” and “individual” are substituted for the former references to “persons” and “person” because this subsection applies only to human beings.

In subsection (b)(4) of this section, the former phrase “for no other purpose” is deleted in light of the phrase “principally for the use of”.

Also in subsection (b)(4) of this section, the former reference to a clubhouse that is “not directly or indirectly owned or operated as a public business” is deleted as surplusage.

In subsection (c) of this section, the reference to “beer, wine, or liquor” is substituted for the former reference to “any alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former phrase “at retail” is deleted as surplusage.

Also in subsection (c) of this section, the former statement that “[t]he licensee is subject to all of the provisions of this article relating to beer, wine and liquor licenses, Class C, in force in Montgomery County” is deleted as an unnecessary statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section, the former language that a license holder is subject to specified provisions “except the provisions requiring the maintenance of a championship golf course” is deleted as an unnecessary statement of common practice.

Defined terms: “Beer” § 1–101  
“Board” § 25–101  
“County” § 25–101  
“Wine” § 1–101

#### **25–1010. LARGE PERFORMING ARTS FACILITY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–BWL (LARGE PERFORMING ARTS FACILITY) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER ENTITY THAT LEASES A PERFORMING ARTS FACILITY THAT:**

**(1) IS USED FOR ARTISTIC, CORPORATE, AND COMMUNITY RELATED ACTIVITIES; AND**

**(2) HAS:**

**(I) A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING REAL PROPERTY, OF \$1,000,000;**

**(II) A MINIMUM CAPACITY OF 1,500 INDIVIDUALS;**

**(III) A FOOD SERVICE FACILITY PERMIT; AND**

**(IV) 40 SEATS IN A FOOD SERVICE AREA.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK FROM ONE OR MORE OUTLETS ON THE LICENSED PREMISES FOR ON-PREMISES CONSUMPTION.**

**(2) A LICENSE HOLDER MAY NOT SELL BEER, WINE, AND LIQUOR AT:**

**(I) A HIGH SCHOOL GRADUATION HELD ON THE LICENSED PREMISES; OR**

**(II) A COMMUNITY MEETING HELD WITHOUT FOOD SERVICE ON THE LICENSED PREMISES.**

**(3) THE BOARD MAY IMPOSE CONDITIONS ON THE ISSUANCE OR RENEWAL OF THE LICENSE THAT ESTABLISH THE AREAS IN THE PERFORMING ARTS FACILITY WHERE BEER, WINE, AND LIQUOR MAY BE SOLD, SERVED, POSSESSED, OR CONSUMED.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FROM 10 A.M. ON ANY DAY OF THE WEEK TO 2 A.M. THE FOLLOWING DAY.**

**(E) LOCATION TRANSFER PROHIBITED.**

**THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(q)(4).

In subsection (a) of this section, the reference to a "large" performing arts facility is added to distinguish the license from other types of performing arts facility licenses.

In the introductory language of subsection (b) of this section, the former reference to the authority of the Board to issue the license to "apply only to" a performing arts facility is deleted as unnecessary in light of the reference to the authority of the Board to issue the license "for use by" an entity that leases a performing arts facility.

Also in the introductory language of subsection (b) of this section, the former reference to a performing arts facility "to host artistic, corporate, and community related activities" is deleted as redundant of the reference in subsection (b)(1) of this section to a facility "used for artistic, corporate, and community related activities".

In subsection (b)(2)(ii) of this section, the reference to "individuals" is substituted for the former, broader reference to "persons" because the provision refers only to human beings.

In subsection (c)(2) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

Defined terms: "Beer" § 1-101

"Board" § 25-101

"Wine" § 1-101

**25-1011. PUBLIC GOLF COURSE LICENSES.****(A) DEFINITIONS.**

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

(2) “AUTHORITY” MEANS THE MONTGOMERY COUNTY REVENUE AUTHORITY.

(3) “COMMISSION” MEANS THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION.

(B) ESTABLISHED.

(1) THERE IS A CLASS H BEER (ON–SALE) LICENSE, A CLASS H BEER AND WINE (ON–SALE) LICENSE, AND A CLASS B–BWL (CLUBHOUSE/LODGE)(BEER AND WINE OFF–SALE; BEER, WINE, AND LIQUOR ON–SALE) LICENSE ISSUED FOR THE LIMITED USE OF PUBLIC GOLF COURSES UNDER THE JURISDICTION OF THE AUTHORITY.

(2) THERE IS A CLASS H BEER (ON–SALE) LICENSE AND A CLASS H BEER AND WINE (ON–SALE) LICENSE ISSUED FOR THE LIMITED USE OF PUBLIC GOLF COURSES UNDER THE JURISDICTION OF THE COMMISSION.

(C) AUTHORIZED HOLDER.

(1) THE DIRECTOR OR DEPUTY DIRECTOR OF THE COUNTY PARKS DEPARTMENT OF THE COMMISSION MAY HOLD ONE OR MORE LICENSES ISSUED FOR THE USE OF PUBLIC GOLF COURSES THAT ARE IN THE COUNTY UNDER THE JURISDICTION OF THE COMMISSION.

(2) (I) THE EXECUTIVE DIRECTOR OF THE AUTHORITY OR THE DESIGNEE OF THE EXECUTIVE DIRECTOR MAY HOLD ONE OR MORE LICENSES ISSUED FOR THE USE OF PUBLIC GOLF COURSES UNDER THE JURISDICTION OF THE AUTHORITY.

(II) A LICENSE ISSUED UNDER THIS PARAGRAPH SHALL BE SIGNED BY THE EXECUTIVE DIRECTOR OF THE AUTHORITY OR THE DESIGNEE OF THE EXECUTIVE DIRECTOR.

(D) HOURS AND DAYS OF SALE.

(1) THE HOLDER OF A CLASS H BEER LICENSE MAY SELL BEER FOR ON–PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS H BEER LICENSE UNDER § 25–2003 OF THIS TITLE.

(2) THE HOLDER OF A CLASS H BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR ON–PREMISES CONSUMPTION DURING THE HOURS AND DAYS



AS SET OUT FOR A CLASS H BEER AND WINE LICENSE UNDER § 25–2005 OF THIS TITLE.

(3) THE HOLDER OF A CLASS B–BWL BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B–BWL BEER, WINE, AND LIQUOR LICENSE UNDER § 25–2005 OF THIS SUBTITLE.

(E) ALCOHOL AWARENESS PROGRAM.

(1) AS A CONDITION TO HOLDING A LICENSE UNDER THIS SECTION, THE DIRECTOR OR DEPUTY DIRECTOR OF THE COUNTY PARKS DEPARTMENT OF THE COMMISSION OR THE EXECUTIVE DIRECTOR OF THE AUTHORITY OR THE DESIGNEE OF THE EXECUTIVE DIRECTOR SHALL DESIGNATE AN INDIVIDUAL WITH RESPECT TO EACH GOLF COURSE TO COMPLETE TRAINING IN AN ALCOHOL AWARENESS PROGRAM APPROVED UNDER § 4–505 OF THIS ARTICLE.

(2) THE INDIVIDUAL DESIGNATED TO COMPLETE TRAINING IN AN ALCOHOL AWARENESS PROGRAM UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) REPRESENT THE CONCESSIONAIRE; AND

(II) BE INVOLVED WITH THE MANAGEMENT OF THE SALE OF BEER OR WINE BY THE CONCESSIONAIRE AT THE GOLF COURSE.

REVISOR’S NOTE: Subsection (a) of this section is new language added to provide convenient definitions in this section for “Authority” and “Commission”.

Subsections (b), (c), and (e) of this section are new language derived without substantive change from former Art. 2B, § 9–102.2.

Subsection (d) of this section is new language added to provide cross–references to the hours and days of sale provisions that apply to a Class H beer license, a Class H beer and wine license, and a Class B–BWL beer, wine, and liquor license in Montgomery County.

In subsections (b) and (e)(2)(ii) of this section, the references to “wine” are substituted for the former references to “light wine” to avoid confusion. In Montgomery County, wine that is sold under a retail license with a wine privilege may have an alcohol content above the traditional maximum level for light wine. Consequently, wine sold in the County encompasses all wine – both fortified wine as well as wine traditionally considered to be light wine.

Subsection (b) of this section is revised in standard language used throughout this title to establish a license.

Defined terms: “Beer” § 1–101

“County” § 25–101

“License” § 1–101

“On-sale” § 1–101

“Wine” § 1–101

#### **25–1012. TAKOMA PARK VETERANS’ LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (TAKOMA PARK VETERANS’) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A NATIONWIDE NONPROFIT ORGANIZATION OR CLUB THAT:**

**(1) IS IN THE PORTION OF THE CITY OF TAKOMA PARK THAT WAS FORMERLY PART OF PRINCE GEORGE’S COUNTY;**

**(2) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;**

**(3) HAD A CHARTER FROM A NATIONAL VETERANS’ ORGANIZATION BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;**

**(4) HAS A BONA FIDE MEMBERSHIP OF AT LEAST 100 INDIVIDUALS AND DUES OF NOT LESS THAN \$5 PER YEAR PER INDIVIDUAL;**

**(5) OPERATES ONLY FOR THE USE OF ITS OWN MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS;**

**(6) POSSESSED A CLUB LICENSE ORIGINALLY ISSUED BY THE PRINCE GEORGE’S COUNTY BOARD OF LICENSE COMMISSIONERS WHEN THE CLUB WAS IN THE PORTION OF THE CITY OF TAKOMA PARK THAT WAS FORMERLY PART OF PRINCE GEORGE’S COUNTY; AND**

**(7) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR NO OTHER PURPOSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, OR LIQUOR TO ITS MEMBERS OR GUESTS ACCOMPANIED BY MEMBERS AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 25-2005 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-301(q)(7)(i), (iii), and the first sentence of (ii) and, as it related to Montgomery County, (a)(1).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Montgomery County.

In the introductory language of subsection (b) of this section, the former reference to a "bona fide" nonprofit organization or club is deleted as surplusage.

In subsection (b)(4) of this section, the references to "individuals" and "individual" are substituted for the former references to "persons" and "person" because this subsection applies only to human beings.

In subsection (c) of this section, the reference to "beer, wine, or liquor" is substituted for the former reference to "all alcoholic beverages" for clarity.

Also in subsection (c) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (c) of this section, the former phrase "at retail at any club, at the place described in the license," is deleted as surplusage.

The second sentence of former Art. 2B, § 6-301(q)(7)(ii), which provided a prohibition on charging for the license before May 1, 1998, is deleted as obsolete.

Defined terms: “Beer” § 1–101

“Board” § 25–101

“Club” § 1–101

“Wine” § 1–101

### **25–1013. THEATER LICENSE.**

#### **(A) DEFINITIONS.**

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

**(2) “MOVIE THEATER” MEANS A BUILDING DESIGNED OR USED PRIMARILY TO EXHIBIT MOTION PICTURES TO THE PUBLIC.**

**(3) (I) “PERFORMING ARTS THEATER” MEANS AN AREA, A BUILDING, OR A STRUCTURE DESIGNED AND USED FOR PLAYS, ACTS, DRAMAS, OR HISTORICALS BY ACTORS OR ACTRESSES PERFORMING ON A STAGE.**

**(II) “PERFORMING ARTS THEATER” DOES NOT INCLUDE:**

**1. A PLACE WHERE MOTION PICTURES ARE EXHIBITED OR SHOWN; OR**

**2. A BUILDING OR AMPHITHEATER THAT IS PART OF A SPORTS COMPLEX REGULARLY USED BY MINORS.**

#### **(B) ESTABLISHED.**

**THERE IS A THEATER LICENSE.**

#### **(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE ON THE PREMISES OF:**

**(1) A PERFORMING ARTS THEATER; OR**

**(2) A MOVIE THEATER OPERATED BY A NONPROFIT ORGANIZATION.**

#### **(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT RETAIL FOR ON–PREMISES CONSUMPTION WHEN SNACKS ARE SERVED.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER AND WINE:**

- (1) 1 HOUR BEFORE AND AFTER A PERFORMANCE;**
- (2) DURING AN INTERMISSION; AND**
- (3) DURING A CAST PARTY AND RECEPTION BEFORE AND AFTER A PERFORMANCE.**

**(F) LOCATION TRANSFER PROHIBITED.**

**THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–216.1(a), (b)(1), (3), and (4), and (c) through (f).

In subsection (a)(2) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to a “bona fide” nonprofit organization is deleted as surplusage.

In subsection (d) of this section, the former phrase “[n]otwithstanding any other provision of this article to the contrary” is deleted as unnecessary in light of the organization of this revised article.

In subsection (f) of this section, the former phrase “from the location of original issuance” is deleted as surplusage.

Former Art. 2B, § 8–216.1(b)(2), which defined “Board” to mean the Montgomery County Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 25–101 of this revised title.

Defined term: “Board” § 25–101

**25–1014. VETERANS’ ORGANIZATION OR CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A VETERANS' ORGANIZATION OR CLUB LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A NATIONWIDE NONPROFIT ORGANIZATION COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IF THE LOCAL UNIT:**

**(1) HAS A CHARTER FROM A NATIONAL VETERANS' ORGANIZATION AND WAS OPERATING IN THE COUNTY BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;**

**(2) HAS A MEMBERSHIP OF AT LEAST 200 INDIVIDUALS AND DUES OF AT LEAST \$5 PER INDIVIDUAL; AND**

**(3) OWNS OR OPERATES A CLUBHOUSE THAT IS PRINCIPALLY FOR THE USE OF ITS MEMBERS AND THEIR GUESTS WHEN ACCOMPANIED BY MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL BEER, WINE, OR LIQUOR TO ITS MEMBERS OR GUESTS ACCOMPANIED BY MEMBERS FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM NOON TO 1 A.M. THE FOLLOWING DAY.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–301(q)(5) and, as it related to the veterans' organization or club license, 11–516(b)(3).

In subsection (a) of this section, the reference to a veterans' "organization or club" is added for clarity and consistency with similar licenses.

In the introductory language of subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues the license.

Also in the introductory language of subsection (b) of this section, the former references to a "bona fide" nonprofit organization or club and a "bona fide" membership are deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "in existence" is deleted as included in the reference to "operating".

In subsection (b)(2) of this section, the references to "individuals" and "individual" are substituted for the former references to "persons" and "person" because this subsection applies only to human beings.

In subsection (b)(3) of this section, the reference to a clubhouse that is "principally" for the use of its members and their guests when accompanied by members is substituted for the former references to a clubhouse owned and operated "solely" for a specified use and a clubhouse used "for no other purpose" for brevity.

Also in subsection (b)(3) of this section, the former reference to a clubhouse that is "not directly or indirectly owned or operated as a public business" is deleted as surplusage.

In subsection (c) of this section, the reference to "beer, wine, or liquor" is substituted for the former reference to "any alcoholic beverages" for clarity.

Also in subsection (c) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (c) of this section, the former phrase "at retail" is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Board" § 25-101

"Wine" § 1-101

## **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

### **25-1101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**SECTION 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”), IN ADDITION TO § 25-1102 OF THIS SUBTITLE;**

**(2) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”), SUBJECT TO § 25-1103 OF THIS SUBTITLE; AND**

**(3) § 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”), SUBJECT TO § 25-1104 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 25-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**25-1102. RESTAURANTS, CLUBS, AND HOTELS WITH CLASS H LICENSE.**

**SECTION 4-1102 OF THIS ARTICLE ALSO APPLIES TO AN INDIVIDUAL IN A RESTAURANT, CLUB, OR HOTEL FOR WHICH A CLASS H LICENSE ALLOWING THE SALE OF WINE IS ISSUED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(10)(i)3.

Defined terms: “Club” § 1-101

“Restaurant” § 1-101

“Wine” § 1-101

**25-1103. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**



**(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS B BEER AND WINE LICENSE, A CLASS D BEER AND WINE LICENSE, OR A CLASS BD–BWL LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT BEGIN AND END AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE.**

**(D) RENEWAL.**

**THE PERMIT MAY BE RENEWED EACH YEAR WITH THE RENEWAL OF THE UNDERLYING LICENSE.**

**(E) FEE.**

**THE BOARD SHALL ISSUE THE PERMIT AT NO COST TO THE APPLICANT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5–201(q)(3) and (6) and 5–401(q)(2)(ii) and (v).

In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

Also in subsection (a) of this section, the former phrases “issued by the Board of License Commissioners” are deleted as surplusage.

In subsection (c) of this section, the reference to the hours of sale that begin and end “at the same time as those for the underlying license” is substituted for the former references to the “term of and hours of sale” that “are as specified for the permit holder’s ... license” to conform to the terminology used throughout this article.

In subsection (d) of this section, the former word “concurrently” is deleted as surplusage.

Also in subsection (d) of this section, the reference to the “underlying” license is substituted for the former references to “a Class B beer and light wine

license”, “a Class BD–BWL license”, and “a Class D beer and light wine license” to conform to the terminology used throughout this section.

Former Art. 2B, §§ 5–201(q)(4), (5), and (7) and 5–401(q)(2)(iii), (iv), and (vi) are deleted as unnecessary because they merely repeated or referenced provisions that appear in § 4–1104 of this article.

Former Art. 2B, §§ 5–201(q)(8) and 5–401(q)(2)(vii), which authorized the Board to adopt regulations to implement the provisions of this section relating to the issuance of a refillable container permit, are deleted as unnecessary because the Board has the power to adopt regulations under § 25–206 of this title.

Defined terms: “Board” § 25–101  
“License” § 1–101

#### **25–1104. REFILLABLE CONTAINER PERMIT — WINE.**

##### **(A) AUTHORIZED PERMIT HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR WINE TO A HOLDER OF A LICENSE THAT ENTITLES THE HOLDER TO SELL WINE FOR OFF–PREMISES CONSUMPTION.**

##### **(B) FEE.**

**THE BOARD SHALL ISSUE THE PERMIT AT NO COST TO THE APPLICANT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–216.6(c) and (e).

In subsection (a) of this section, the reference to “a refillable container permit for wine” is substituted for the former reference to “the permit” for clarity.

Former Art. 2B, § 8–103(a)(2)(iii), which stated that former Art. 2B, § 8–103, consisting of refillable container provisions, applied to Montgomery County, and former Art. 2B, 8–216.6(a), which stated that former Art. 2B, § 8–216.6 applied only in Montgomery County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–216.6(b), which stated that there is a refillable container permit in Montgomery County, is deleted as unnecessary in light of § 4–1104 of this article.

Former Art. 2B, § 8–216.6(d) is deleted as unnecessary because it merely repeats provisions concerning refillable container standards that appear in § 4–1104 of this article.

Defined terms: “Board” § 25–101

“License” § 1–101

“Wine” § 1–101

**25–1105. ORGANIZATION SUPPLY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS AN ORGANIZATION SUPPLY LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A CORPORATION, A CLUB, OR ANY OTHER ORGANIZATION THAT:**

**(1) IS A COUNTRY CLUB UNDER § 25–1007 OF THIS TITLE OR AN ELEEMOSYNARY ORGANIZATION;**

**(2) IS A LOCAL POST, CHAPTER, LODGE, COUNCIL, OR BRANCH OF A NATIONAL ORGANIZATION THAT HAS MORE THAN 300,000 MEMBERS; AND**

**(3) HAS MORE THAN 200 DUES–PAYING MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE ALLOWS THE ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES BY A MEMBER OR THE MEMBER’S GUEST IF THE ALCOHOLIC BEVERAGES ARE SUPPLIED BY THE MEMBER.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$300.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(q)(4).

In subsection (b)(1) of this section, the reference to an eleemosynary “organization” is added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Club” § 1–101

“License” § 1–101

**SUBTITLE 12. CATERER’S LICENSES.**

**25–1201. LOCAL CATERER’S LICENSE.**

**(A) ESTABLISHED.**

**(1) THERE IS A LOCAL CATERER’S LICENSE.**

**(2) THE LICENSE IS A SEPARATE ALCOHOLIC BEVERAGES LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE TO A PERSON THAT:**

**(I) DOES NOT ALREADY HOLD A LICENSE ISSUED BY THE BOARD;**

**(II) HAS FACILITIES TO PREPARE AND DELIVER FOOD TO THE SITE OF A CATERED EVENT; AND**

**(III) MEETS ALL OTHER REQUIREMENTS OF THIS ARTICLE.**

**(2) BEFORE THE BOARD ISSUES OR RENEWS THE LICENSE, THE COUNTY HEALTH DEPARTMENT SHALL APPROVE THE FOOD PREPARATION FACILITIES FOR A CATERED EVENT.**

**(3) AN APPLICANT FOR OR HOLDER OF THE LICENSE IS NOT REQUIRED TO HAVE A BANQUET HALL.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) PROVIDE ALCOHOLIC BEVERAGES AT AN EVENT THAT IS HELD OFF THE PREMISES OF THE FOOD PREPARATION FACILITIES; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(D) RESTRICTIONS.****THE LICENSE HOLDER MAY NOT:**

- (1) HOLD AN EVENT THAT THE LICENSE HOLDER SPONSORS; OR**
- (2) PROVIDE ONLY ALCOHOLIC BEVERAGES AT AN EVENT.**

**(E) DUTIES.****THE LICENSE HOLDER SHALL:**

- (1) CONTRACT FOR AND PROVIDE FOOD FOR CONSUMPTION AT A CATERED EVENT;**
- (2) MEET THE SAME RATIO OF GROSS RECEIPTS BETWEEN FOOD AND ALCOHOLIC BEVERAGE SALES AS A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE; AND**
- (3) PURCHASE ALL ALCOHOLIC BEVERAGES FROM THE DEPARTMENT OF LIQUOR CONTROL.**

**(F) FEE.****THE ANNUAL LICENSE FEE IS \$1,250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–706.1(b) through (j).

In subsection (b)(1)(ii) of this section, the reference to an “event” is substituted for the former reference to an “affair” to conform to the terminology used throughout this subtitle.

In subsection (b)(2) of this section, the phrase “for a catered event” is added for clarity.

In subsection (c)(1) of this section, the reference to the “premises of the food preparation facilities” is substituted for the former reference to an “off–sale even[t]” for clarity, reflecting the Board’s interpretation of the term “off–sale”.

In subsection (d)(1) of this section, the reference to events “that the license holder sponsors” is substituted for the former reference to events that are “self–sponsored” for clarity.

In subsection (e)(1) of this section, the former reference to providing food “as well as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1) of this section.

Former Art. 2B, § 6–706.1(a), which stated that former Art. 2B, § 6–706.1 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–706.1(k), which stated that the holder of a local caterer’s license who violates the requirements of this section is subject to former Title 16, Subtitle 5, is deleted as unnecessary. Under § 6–402 of this article, all persons who violate a provision of this article for which no penalty is provided, other than the suspension or revocation of a license or permit, are subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 25–101

“County” § 25–101

“License” § 1–101

“Person” § 1–101

“Wine” § 1–101

## **25–1202. CATERING EXTENSION.**

### **(A) ESTABLISHED.**

**THERE IS A CATERING EXTENSION.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY GRANT A CATERING EXTENSION TO THE HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

### **(C) SCOPE OF AUTHORIZATION.**

**THE CATERING EXTENSION AUTHORIZES A HOLDER TO:**

**(1) PROVIDE ALCOHOLIC BEVERAGES AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER’S CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE CATERING EXTENSION ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE HOLDER OF A CATERING EXTENSION SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A CATERING EXTENSION FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a catering extension exists in Montgomery County.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 6-706(b) through (f).

Throughout this section, the references to a "catering extension" are substituted for the former references to a "caterer's license" to avoid confusion with the local caterer's license issued under § 25-1201 of this subtitle and to conform to the terminology used in practice in Montgomery County.

In subsection (d) of this section, the former reference to providing food "as well as alcoholic beverages" is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (e) of this section, the reference to premises "for which the Class B license is issued" is substituted for the former reference to premises "that is covered by the existing license" for clarity.

Also in subsection (e) of this section, the former reference to an "existing" Class B license is deleted as surplusage.

Former Art. 2B, § 6-706(a), which stated that former Art. 2B, § 6-706 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 25-101

“Hotel” § 1–101

“On-sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

#### **25–1301. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–1202 (“PER DIEM LICENSES”);
- (2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);
- (3) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);
- (4) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);
- (5) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);
- (6) § 4–1208 (“HOURS AND DAYS OF SALE”); AND
- (7) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).

##### **(B) EXCEPTION.**

SECTION 4–1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 25–1311 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 25–101

**25–1302. RESERVED.**

**25–1303. RESERVED.**



**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.****25-1304. BEER FESTIVAL LICENSE.****(A) DEFINITIONS.**

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

**(2) “FESTIVAL” MEANS THE MONTGOMERY COUNTY BEER FESTIVAL.**

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

**(B) ESTABLISHED.**

**(1) THERE IS A MONTGOMERY COUNTY BEER FESTIVAL LICENSE.**

**(2) UNDER THE SUPERVISION OF THE COUNTY DEPARTMENT OF LIQUOR CONTROL, THE FESTIVAL ORGANIZATION MAY CONDUCT THE FESTIVAL ON NOT MORE THAN 4 WEEKENDS EACH YEAR.**

**(C) SELECTION OF FESTIVAL ORGANIZATION.**

**IN SELECTING A NONPROFIT ORGANIZATION TO BE A FESTIVAL ORGANIZATION, THE COUNTY SHALL ENSURE THAT THE NONPROFIT ORGANIZATION HAS EXTENSIVE EXPERIENCE IN ORGANIZING AND MANAGING LARGE-SCALE PUBLIC EVENTS.**

**(D) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE ISSUED IN THE COUNTY, A CLASS 5 BREWERY LICENSE, A CLASS 6 PUB-BREWERY LICENSE, A CLASS 7 MICRO-BREWERY LICENSE, OR A STATE CLASS 8 FARM BREWERY LICENSE TO SELL AND DISPLAY BEER AT THE FESTIVAL.**

**(E) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO DISPLAY AND SELL BEER.**

**(2) A PERSON MAY NOT SELL, OFFER FOR SALE, OR DISPLAY BEER AT THE FESTIVAL UNLESS THE PERSON:**

**(I) HOLDS A BEER FESTIVAL LICENSE; AND**

**(II) HAS CONTRACTED WITH THE FESTIVAL ORGANIZATION TO DISPLAY AND SELL BEER AT THE FESTIVAL.**

**(F) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

**(1) AT RETAIL:**

**(I) FOR ON-PREMISES CONSUMPTION; AND**

**(II) FOR OFF-PREMISES CONSUMPTION IN SEALED CONTAINERS; AND**

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

**(G) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**A FESTIVAL ORGANIZATION SHALL:**

**(1) CHOOSE THE WEEKENDS FOR THE FESTIVAL;**

**(2) CHOOSE A LOCATION REGARDLESS OF WHETHER THE LOCATION IS ALREADY LICENSED; AND**

**(3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER.**

**(H) CONTRACTS WITH FESTIVAL LICENSE HOLDER.**

**A FESTIVAL ORGANIZATION MAY CONTRACT WITH A HOLDER OF A RETAIL LICENSE ISSUED IN THE COUNTY, A CLASS 5 BREWERY LICENSE, A CLASS 6 PUB-BREWERY LICENSE, A CLASS 7 MICRO-BREWERY LICENSE, OR A CLASS 8 FARM BREWERY LICENSE TO SELL AND DISPLAY BEER AT THE FESTIVAL.**

**(I) HOLDING ANOTHER LICENSE ALLOWED.**

**A PERSON MAY HOLD A BEER FESTIVAL LICENSE IN ADDITION TO ANOTHER LICENSE.**

**(J) FEE.**

**(1) THE LICENSE FEE IS \$30 FOR EACH DAY OF THE FESTIVAL.**

**(2) LICENSE FEES COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED INTO THE GENERAL FUND OF THE COUNTY.**

**(K) PENALTIES.**

**(1) THE BOARD MAY DENY A BEER FESTIVAL LICENSE TO AN APPLICANT OR SUSPEND OR REVOKE A BEER FESTIVAL LICENSE, IF THE APPLICANT OR LICENSE HOLDER VIOLATES A PROVISION OF THIS ARTICLE OR THE REGULATIONS OF THE BOARD.**

**(2) INSTEAD OF OR IN ADDITION TO DENYING, SUSPENDING, OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE ON AN APPLICANT OR A LICENSE HOLDER A FINE NOT EXCEEDING \$20,000.**

**(L) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–809(b) through (h) and (a)(1), (3), and (4).

Throughout this section, the former references to a “special” license are deleted as surplusage.

Subsection (b)(1) of this section is revised in standard language used throughout this article to establish a license.

In subsections (d) and (h) of this section, the references to a “retail license issued in the County” are substituted for the former references to a “current Montgomery County retail alcoholic beverages license” for brevity.

In subsection (g)(2) of this section, the reference to a location “regardless of whether the location is already licensed” is substituted for the former reference to a location “that may be a licensed or an unlicensed premises” for clarity.

Also in subsection (g)(2) of this section, the former phrase “for the festival” is deleted as surplusage.

Also in subsection (g)(2) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsections (i) and (j)(2) of this section, the former phrases “[n]otwithstanding any other provision of law” are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–809(a)(2), which defined “Board” as meaning the Montgomery County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 25–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 25–101

“County” § 25–101

“Person” § 1–101

#### **25–1305. WINE FESTIVAL LICENSE.**

##### **(A) DEFINITIONS.**

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

**(2) “FESTIVAL” MEANS THE MONTGOMERY COUNTY WINE FESTIVAL.**

**(3) “FESTIVAL ORGANIZATION” MEANS A NONPROFIT ORGANIZATION THAT:**

**(I) IS CHOSEN BY THE COUNTY TO ORGANIZE THE FESTIVAL;  
AND**

**(II) HAS EXTENSIVE EXPERIENCE IN ORGANIZING AND MANAGING LARGE–SCALE PUBLIC EVENTS.**

##### **(B) ESTABLISHED.**

**(1) THERE IS A MONTGOMERY COUNTY WINE FESTIVAL LICENSE.**

**(2) UNDER THE SUPERVISION OF THE COUNTY DEPARTMENT OF LIQUOR CONTROL, THE FESTIVAL ORGANIZATION MAY CONDUCT THE FESTIVAL ON NOT MORE THAN 4 WEEKENDS EACH YEAR.**

##### **(C) AUTHORIZED HOLDER.**

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE ISSUED IN THE COUNTY, A CLASS 3 WINERY LICENSE, OR A CLASS 4 LIMITED WINERY LICENSE.

**(D) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO DISPLAY AND SELL WINE THAT IS DISTRIBUTED IN THE STATE.**

**(2) A PERSON MAY NOT SELL, OFFER FOR SALE, OR DISPLAY WINE AT THE FESTIVAL UNLESS THE PERSON:**

**(I) HOLDS A WINE FESTIVAL LICENSE; AND**

**(II) HAS CONTRACTED WITH A FESTIVAL ORGANIZATION TO DISPLAY AND SELL WINE AT THE FESTIVAL.**

**(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

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

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

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**A FESTIVAL ORGANIZATION SHALL:**

**(1) CHOOSE THE WEEKENDS FOR THE FESTIVAL;**

**(2) CHOOSE A LOCATION REGARDLESS OF WHETHER THE LOCATION IS ALREADY LICENSED; AND**

**(3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF THE COUNTY.**

**(G) CONTRACTS WITH FESTIVAL LICENSE HOLDER.**

**A FESTIVAL ORGANIZATION MAY CONTRACT WITH A HOLDER OF A RETAIL LICENSE ISSUED IN THE COUNTY, A CLASS 3 WINERY LICENSE, OR A CLASS 4 LIMITED WINERY LICENSE TO SELL AND DISPLAY WINE AT THE FESTIVAL.**

**(H) HOLDING ANOTHER LICENSE ALLOWED.**

**A PERSON MAY HOLD A WINE FESTIVAL LICENSE IN ADDITION TO ANOTHER LICENSE.**

**(I) FEE.**

**(1) THE LICENSE FEE IS \$30 FOR EACH DAY OF THE FESTIVAL.**

**(2) LICENSE FEES COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED INTO THE GENERAL FUND OF THE COUNTY.**

**(J) PENALTIES.**

**(1) THE BOARD MAY DENY A WINE FESTIVAL LICENSE TO AN APPLICANT OR SUSPEND OR REVOKE A WINE FESTIVAL LICENSE IF THE APPLICANT OR LICENSE HOLDER VIOLATES A PROVISION OF THIS ARTICLE OR THE REGULATIONS OF THE BOARD.**

**(2) INSTEAD OF OR IN ADDITION TO DENYING, SUSPENDING, OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE ON AN APPLICANT OR LICENSE HOLDER A FINE NOT EXCEEDING \$20,000.**

**(K) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–310.1(c) through (h) and (a)(1), (3), and (4).

Throughout this section, the former references to a “special” license are deleted as surplusage.

Subsection (b)(1) of this section is revised in standard language used throughout this article to establish a license.

In subsections (c) and (g) of this section, the references to a “retail license issued in the County” are substituted for the former references to a “Montgomery County retail alcoholic beverage license” for brevity.

In subsection (d)(1) of this section, the former requirement that wine must be “price filed in accordance with regulations adopted by the State Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (f)(2) of this section, the reference to a location “regardless of whether the location is already licensed” is substituted for the former reference to a location “that is a licensed or an unlicensed premises” for clarity.

Also in subsection (f)(2) of this section, the former phrase “for the festival” is deleted as surplusage.

Also in subsection (f)(2) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsections (h) and (i)(2) of this section, the former phrases “[n]otwithstanding any other provision of law,” are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–310.1(a)(2), which defined “Board” as meaning the Montgomery County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 25–101 of this title.

Former Art. 2B, § 8–310.1(b), which stated that former Art. 2B, § 8–310.1 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 25–101

“County” § 25–101

“State” § 1–101

“Wine” § 1–101

## **25–1306. BEER AND WINE TASTING LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A LICENSE TO HOLD TASTINGS OF BEER OR WINE.**

**(2) A LICENSE HOLDER OF A CLASS A WINE LICENSE MAY USE THE LICENSE TO HOLD TASTINGS OF WINE ONLY.**

### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW TASTING OF BEER OR WINE ON THE PREMISES OF THE LICENSE HOLDER ONLY.**

**(D) APPLICATION PROCESS.**

**(1) A LICENSE APPLICATION SHALL BE MADE ON A FORM THAT THE BOARD SUPPLIES.**

**(2) THE BOARD MAY NOT REQUIRE THE PUBLICATION OF A LICENSE APPLICATION BEFORE ISSUING THE LICENSE.**

**(3) THE LICENSE MAY BE ISSUED WITHOUT A PUBLIC HEARING.**

**(4) IF AN INITIAL LICENSE APPLICATION IS DENIED, THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

**(5) A RENEWAL OF THE BWT LICENSE MAY BE MADE WHEN THE CLASS A LICENSE OF THE LICENSE HOLDER IS RENEWED.**

**(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

**A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE EACH TASTING EVENT.**

**(F) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY ALLOW THE CONSUMPTION BY AN INDIVIDUAL FOR TASTING IN A QUANTITY OF NOT MORE THAN:**

**(1) 1 OUNCE FROM EACH OFFERING OF WINE;**

**(2) 4 OUNCES FROM ALL OFFERINGS OF WINE IN A DAY;**

**(3) 3 OUNCES FROM EACH OFFERING OF BEER; AND**

**(4) 12 OUNCES FROM ALL OFFERINGS OF BEER IN A DAY.**

**(G) MARKED BOTTLE FOR TASTING.**

**ONCE OPENED, A BOTTLE USED FOR BEER OR WINE TASTING SHALL BE MARKED THAT IT IS TO BE USED FOR THAT PURPOSE ONLY.**

**(H) FEE.**



**THE ANNUAL LICENSE FEE IS \$200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-408.4(c) through (f).

Throughout this section, the former references to "sampling" and "samplings" are deleted as redundant of the references to "tasting" and "tastings".

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to the license authorizing "the holder to allow" tasting of beer and wine is added for clarity and consistency with the terminology used throughout this article.

Also in subsection (c) of this section, the reference to "beer or wine" is substituted for the former reference to "alcoholic beverages" to reflect the scope of this section.

In subsection (f)(1) and (3) of this section, the references to "each offering" are substituted for the former references to "a single brand" for clarity. Similarly, in subsection (f)(2) and (4) of this section, the references to all "offerings" are substituted for the former references to all "brands".

Former Art. 2B, § 8-408.4(a), which stated that former Art. 2B, § 8-408.4 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-408.4(b), which defined "Board" as meaning the Montgomery County Board of License Commissioners, is deleted as redundant in light of the defined term "Board" in § 25-101 of this title.

Former Art. 2B, § 8-408.4(g), which stated that this section is not restricted by former Art. 2B, § 9-102 or § 12-107(b), is deleted as unnecessary in light of § 1-202 of this article.

Defined terms: "Beer" § 1-101

"Board" § 25-101

"Wine" § 1-101

**25-1307. TOWN OF KENSINGTON BEER AND WINE TASTING.**

**(A) ESTABLISHED.**

(1) THERE IS A BEER AND WINE TASTING (BWT) LICENSE IN THE TOWN OF KENSINGTON.

(2) THE BOARD MAY ISSUE NOT MORE THAN THREE BEER AND WINE TASTING LICENSES IN THE TOWN OF KENSINGTON.

(B) AUTHORIZED HOLDER.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A LICENSE ISSUED UNDER § 25-1604(C) OF THIS TITLE TO HOLD TASTINGS OF BEER OR WINE.

(2) A LICENSE HOLDER OF A CLASS A WINE LICENSE MAY USE THE LICENSE TO HOLD TASTINGS OF WINE ONLY.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO ALLOW TASTING OF BEER OR WINE ON THE PREMISES OF THE LICENSE HOLDER ONLY.

(D) APPLICATION PROCESS.

(1) A LICENSE APPLICATION SHALL BE MADE ON A FORM THAT THE BOARD SUPPLIES.

(2) THE BOARD MAY NOT REQUIRE THE PUBLICATION OF A LICENSE APPLICATION BEFORE ISSUING THE LICENSE.

(3) THE LICENSE MAY BE ISSUED WITHOUT A PUBLIC HEARING.

(4) IF AN INITIAL LICENSE APPLICATION IS DENIED, THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.

(5) A RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A LICENSE OF THE LICENSE HOLDER IS RENEWED.

(E) NOTICE TO BOARD BEFORE TASTING EVENT.

A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE EACH TASTING EVENT.

(F) LIMIT ON SERVINGS.

A LICENSE HOLDER MAY ALLOW THE CONSUMPTION BY AN INDIVIDUAL FOR TASTING IN A QUANTITY OF NOT MORE THAN:

- (1) 1 OUNCE FROM EACH OFFERING OF WINE;
- (2) 4 OUNCES FROM ALL OFFERINGS OF WINE IN A DAY;
- (3) 3 OUNCES FROM EACH OFFERING OF BEER; AND
- (4) 12 OUNCES FROM ALL OFFERINGS OF BEER IN A DAY.

(G) MARKED BOTTLE FOR TASTING.

ONCE OPENED, A BOTTLE USED FOR BEER OR WINE TASTING SHALL BE MARKED THAT IT IS TO BE USED FOR THAT PURPOSE ONLY.

(H) FEE.

THE ANNUAL LICENSE FEE IS \$200.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-216(a)(2)(v)1B, 5, and 6.

Subsection (a)(1) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to the license authorizing "the holder to allow" tasting is added for clarity and consistency with terminology used throughout this article.

The provisions of former Art. 2B, § 8-408.4, which are cross-referenced in former Art. 2B, § 8-216(2)(v)6, are added as revised in § 25-1306 of this subtitle for clarity.

Defined terms: "Beer" § 1-101  
"Board" § 25-101

**25-1308. RESERVED.**

**25-1309. RESERVED.**

### **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**25-1310. COMMUNITY SWIMMING POOL CLUB.**

**THE BOARD MAY ISSUE A CLASS C PER DIEM BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A COMMUNITY SWIMMING POOL CLUB.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(b)(10)(ii) and (d)(12)(ii).

The reference to a “per diem” license is substituted for the former reference to a “one–day” license to conform to the terminology used throughout this article.

The former phrase “[n]otwithstanding § 1–102(a)(4) of this article” is deleted as surplusage.

Defined terms: “Board” § 25–101

“Club” § 1–101

## **25–1311. FEES.**

**THE LICENSE FEES ARE:**

**(1) \$30 PER DAY FOR A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM BEER AND WINE LICENSE; AND**

**(2) \$60 PER DAY FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(b)(10)(i) and (d)(12)(i).

Defined term: “License” § 1–101

## **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

### **25–1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**

- (2) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- (3) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (4) § 4-112 (“DISPOSITION OF LICENSE FEES”);
- (5) § 4-113 (“REFUND OF LICENSE FEES”); AND
- (6) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH IS SUPERSEDED BY § 25-1404 OF THIS SUBTITLE;

(2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), WHICH IS SUPERSEDED BY § 25-1405 OF THIS SUBTITLE;

(3) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), WHICH IS SUPERSEDED BY § 25-1406 OF THIS SUBTITLE;

(4) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”); AND

(5) § 4-111 (“PAYMENT OF LICENSE FEES”), WHICH IS SUPERSEDED BY § 25-1410 OF THIS SUBTITLE.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 25-1402 AND 25-1403 OF THIS SUBTITLE; AND

(2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 25-1408 OF THIS SUBTITLE AND § 22-1409 OF THIS ARTICLE.

REVISOR'S NOTE: Subsections (a)(1) through (5), (b)(2) through (5), and (c) of this section are new language added to incorporate by reference general provisions relating to applications for local licenses.

Subsection (a)(6) of this section is new language derived without substantive change from former Art. 2B, § 10–204(q).

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 10–103(b)(18)(iii), as it related to Montgomery County.

Defined term: “County” § 25–101

#### **25–1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY AND THE COUNTY POLICE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(iv)1A.

Defined terms: “Board” § 25–101  
“Central Repository” § 1–101  
“License” § 1–101

#### **25–1403. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4–107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(i)2, as it related to Montgomery County.

The reference to “record information” is substituted for the former reference to “records” to conform to the terminology used in CP, § 10–201.

The reference to “the application process” is substituted for the former reference to “its necessary use” for clarity.

Defined term: “Board” § 22–101

#### **25–1404. APPLICATION ON BEHALF OF PARTNERSHIP.**

**(A) APPLICATION BY AT LEAST TWO PARTNERS.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN APPLICATION FOR A LICENSE ON BEHALF OF A PARTNERSHIP SHALL BE MADE BY AND THE LICENSE ISSUED TO AT LEAST TWO GENERAL PARTNERS AS INDIVIDUALS.**

**(2) WHEN AN APPLICATION FOR A PARTNERSHIP IS FILED, AT LEAST ONE OF THE GENERAL PARTNERS WHO APPLIES IS REQUIRED TO RESIDE IN THE STATE.**

**(B) EXCEPTION.**

**AN APPLICATION FOR A LICENSE SHALL BE MADE BY AND THE LICENSE ISSUED TO ONE GENERAL PARTNER AS AN INDIVIDUAL IF:**

**(1) THE PARTNERSHIP HAS ONLY ONE GENERAL PARTNER; AND**

**(2) THE GENERAL PARTNER RESIDES IN THE STATE AT THE TIME OF APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(a)(2)(i).

In subsection (b) of this section, the former requirement that the general partner "is a resident of the State" is deleted as included in the requirement that the general partner "resides in the State at the time of application".

Defined term: "License" § 1-101

**25-1405. APPLICATION ON BEHALF OF CORPORATION OR CLUB.****(A) THREE OFFICERS REQUIRED.**

**A LICENSE ON BEHALF OF A CORPORATION OR CLUB SHALL BE APPLIED FOR AND ISSUED TO THREE OFFICERS OF THE CORPORATION OR CLUB, AS INDIVIDUALS.**

**(B) RESIDENCY REQUIREMENT.**

**AN OFFICER WHO IS A RESIDENT OF THE STATE MEETS THE VOTER, TAXPAYER, AND RESIDENCY REQUIREMENTS UNDER § 4-104 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(b)(1).

Defined terms: “Club” § 1–101

“License” § 1–101

“State” § 1–101

**25–1406. APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY.**

**(A) THREE AUTHORIZED INDIVIDUALS REQUIRED.**

**A LICENSE ON BEHALF OF A LIMITED LIABILITY COMPANY SHALL BE APPLIED FOR AND ISSUED TO THREE AUTHORIZED PERSONS OF THE LIMITED LIABILITY COMPANY, AS INDIVIDUALS.**

**(B) RESIDENCY REQUIREMENT.**

**AN INDIVIDUAL WHO IS A RESIDENT OF THE STATE MEETS THE REGISTERED VOTER, TAXPAYER, AND RESIDENCY REQUIREMENTS UNDER § 4–105 OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(c)(1)(i) and (iii).

Defined terms: “License” § 1–101

“Person” § 1–101

“State” § 1–101

**25–1407. RESIDENCY REQUIREMENT.**

**AN INDIVIDUAL WHO IS A RESIDENT OF THE STATE MEETS THE RESIDENCY REQUIREMENT UNDER § 4–109(A)(4) OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(4)(vii).

Defined term: “State” § 1–101

**25–1408. WHEN STATEMENT AND ACKNOWLEDGMENT OF ASSENTING TO LICENSE AND WARRANTLESS SEARCH ARE NOT REQUIRED.**

**AN APPLICANT WHO IS THE LESSEE OF THE ENTIRE BUILDING IN WHICH THE BUSINESS IS TO BE CONDUCTED FOR THE ENTIRE TERM OF THE LICENSE NEED NOT INCLUDE IN THE APPLICATION A STATEMENT AND ACKNOWLEDGMENT BY THE OWNER ASSENTING TO THE LICENSE AND AUTHORIZING A WARRANTLESS SEARCH OF THE PREMISES AT ANY TIME.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(17)(ii).

The phrase “in the application” is added for clarity.

The former reference to the license “to be issued” is deleted as surplusage.

Defined term: “License” § 1–101

#### **25–1409. IDENTIFICATION REQUIREMENTS.**

##### **(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO AN APPLICATION FOR A TEMPORARY LICENSE ISSUED IN ACCORDANCE WITH SUBTITLE 13 OF THIS TITLE.**

##### **(B) PHOTOGRAPHS AND FINGERPRINTS REQUIRED.**

**AN APPLICANT SHALL SUBMIT WITH THE APPLICATION CLEAR AND RECENT PHOTOGRAPHS AND COPIES OF THE FINGERPRINTS OF THE APPLICANT AND OF THE PERSON WHO WILL BE ACTIVELY IN CHARGE OF THE BUSINESS TO BE CONDUCTED UNDER THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(q).

In subsection (a) of this section, the reference to a “temporary” license is substituted for the former reference to a “special” license to conform to the terminology used throughout this article.

Defined terms: “License” § 1–101  
“Person” § 1–101

#### **25–1410. PAYMENT OF LICENSE FEES.**

**THE BOARD SHALL COLLECT THE LICENSE FEES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(q)(5).

The former reference to “[n]otwithstanding any other law” is deleted as unnecessary in light of the organization of this revised article.

The former reference to the Board of License Commissioners “issu[ing] the alcoholic beverages licenses provided for in this article” is deleted as unnecessary in light of § 4–202(a) of this revised article.

Former Art. 2B, § 15–112(q)(1), which stated that former Art. 2B, § 15–112(q) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 25–101

“License” § 1–101

### **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

#### **25–1501. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (3) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (4) § 4–209 (“HEARING”);**
- (5) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**
- (6) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (7) § 4–212 (“LICENSE NOT PROPERTY”); AND**
- (8) § 4–213 (“REPLACEMENT LICENSES”).**

##### **(B) EXCEPTION.**

**SECTION 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

##### **(C) VARIATIONS.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 25–1502 OF THIS SUBTITLE;

(2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 25–1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;

(3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 25–1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND

(4) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 25–1506 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 10–208(i).

Defined terms: “County” § 25–101

“License” § 1–101

“Local licensing board” § 1–101

## **25–1502. AUTHORITY OF BOARD.**

### **(A) WRITTEN DECISION ON LICENSE APPLICATION.**

(1) WHEN ACTING ON A LICENSE APPLICATION, THE BOARD SHALL ISSUE A WRITTEN DECISION THAT CONTAINS:

(I) A DETAILED STATEMENT OF THE GROUNDS AND FINDINGS THAT SUPPORT THE DECISION; AND

(II) THE VOTE OF EACH MEMBER OF THE BOARD ON THE DECISION.

(2) THE BOARD SHALL FORWARD A COPY OF THE WRITTEN DECISION IN A MANNER THAT THE BOARD DETERMINES TO THE APPLICANT AND EACH PERSON WHO REQUESTS A COPY.

**(3) IF THE APPLICATION IS DENIED, THE BOARD SHALL INFORM THE APPLICANT IN WRITING OF THE PROCEDURES FOR JUDICIAL REVIEW.**

**(B) DECISION BASED ON EVIDENCE OF RECORD.**

**THE BOARD SHALL MAKE A DECISION ON A LICENSE APPLICATION BASED ON THE EVIDENCE OF RECORD.**

**(C) RULES OF PROCEDURE.**

**THE BOARD SHALL ADOPT RULES OF PROCEDURE, SUBJECT TO THE APPROVAL OF THE COUNTY COUNCIL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(m)(2) through (4).

In the introductory language of subsection (a)(1) of this section, the requirement that the Board “issue a written decision” is substituted for the former requirement that the Board “adopt a resolution” for clarity and to conform to the terminology used throughout this article.

In subsection (a)(1)(i) of this section, the reference to grounds and findings “that support” the decision is substituted for the former reference to grounds and findings “forming the basis for” the decision for brevity.

In subsection (a)(3) of this section, the reference to a “judicial review”, which describes the exercise of the power of a court to examine the decision of an administrative agency, is substituted for the former improper reference to an “appeal”, which describes the request to a higher court to review the judgment of a lower court.

Defined terms: “Board” § 25–101

“County” § 25–101

“License” § 1–101

“Person” § 1–101

**25–1503. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS H BEER AND WINE LICENSES; AND**

**(2) EACH PREMISES IS A RESTAURANT IN A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(ii).

In item (1) of this section, the reference to "Class H beer and wine licenses" is substituted for the former reference to licenses "issued ... under § 5-202 of this article" for clarity.

In item (2) of this section, the former reference to the premises "operated as" a bowling establishment is deleted as surplusage.

Defined terms: "Beer" 1-101  
"License" § 1-101

**25-1504. LICENSE FOR DIFFERENT PART OF PREMISES OR BUILDING.**

**(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ISSUE A CLASS B BEER, WINE, AND LIQUOR LICENSE TO A LICENSE HOLDER FOR A DIFFERENT PART OF THE SAME PREMISES OR BUILDING IN WHICH AN ESTABLISHMENT WITH A CLASS C BEER, WINE, AND LIQUOR LICENSE IS LOCATED.**

**(B) LICENSE HOLDER TO MEET QUALIFICATIONS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER SHALL MEET ALL REQUIREMENTS OF THE RESPECTIVE LICENSES.**

**(2) THE TERM "FINANCIAL INTEREST" AS USED IN § 4-109(A)(11) OF THIS ARTICLE DOES NOT APPLY TO AN APPLICANT WHO IS THE OWNER OF AN INTEREST IN REAL PROPERTY LEASED FOR ANOTHER PLACE OF BUSINESS WHERE OR FOR WHICH A LICENSE HAS BEEN APPLIED FOR OR ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-5).

In subsection (a) of this section, the reference to the "Board" is added to clarify who has the authority to issue licenses.

In subsection (b)(1) of this section, the reference to "requirements" is substituted for the former reference to the "other qualifications and provisions of this article pertinent" to the respective licenses for brevity.

In subsection (b)(2) of this section, the former phrase “under this article” is deleted as surplusage.

Defined terms: “Board” § 25–101

“License” § 1–101

“License holder” § 1–101

#### **25–1505. ISSUANCE FOR PREMISES WITH NONCONFORMING USE.**

##### **(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ISSUE AN ALCOHOLIC BEVERAGES LICENSE THAT THE BOARD PREVIOUSLY ISSUED FOR PREMISES ON WHICH A LAWFUL NONCONFORMING USE EXISTS.**

##### **(B) EXCEPTION.**

**THE BOARD MAY NOT ISSUE A LICENSE THAT IS LESS RESTRICTIVE THAN ANY LICENSE THAT THE BOARD PREVIOUSLY ISSUED FOR THE PREMISES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–216(i)(2) and, except as it related to the authority to renew a license for premises with a nonconforming use, (1).

Defined terms: “Board” § 25–101

“License” § 1–101

#### **25–1506. NOTICE OF LICENSE APPLICATION.**

##### **(A) POSTING NOTICE ON LOCATION DESCRIBED IN APPLICATION.**

**IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE ON THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 30 DAYS BEFORE THE APPLICATION HEARING.**

##### **(B) CONTENTS.**

**A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION OF THE APPLICATION HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(m)(1), except as it related to the transfer of licenses.

In subsection (a) of this section, the reference to “post[ing] a suitable notice ... for” at least 30 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 30 days for brevity.

Also in subsection (a) of this section, the reference to “location” is substituted for the former reference to “premises” for consistency with the terminology used throughout this article.

In subsection (b) of this section, the reference to the “date,” for an application hearing is added for clarity.

Defined terms: “Board” § 25–101  
 “License” § 1–101

## **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

### **PART I. LICENSING CONDITIONS.**

#### **25–1601. RESTRICTIONS IN CERTAIN DISTRICTS.**

##### **(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO:**

**(1) A COUNTRY CLUB; OR**

**(2) A RESTAURANT IN THE COUNTRY INN ZONE OF THE COUNTY WHERE ALCOHOLIC BEVERAGES ARE SOLD ONLY FOR ON–PREMISES CONSUMPTION.**

##### **(B) GENERAL LICENSE PROHIBITION; EXCEPTIONS.**

**THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT IN:**

**(1) BARNESVILLE, EXCEPT AS PROVIDED IN § 25–1602 OF THIS SUBTITLE;**

**(2) DAMASCUS (12TH ELECTION DISTRICT), EXCEPT AS PROVIDED IN § 25–1603 OF THIS SUBTITLE;**

(3) KENSINGTON, EXCEPT AS PROVIDED IN § 25–1604 OF THIS SUBTITLE;

(4) LAYTONSVILLE, EXCEPT AS PROVIDED IN § 25–1605 OF THIS SUBTITLE;

(5) TAKOMA PARK, EXCEPT AS PROVIDED IN § 25–1607 OF THIS SUBTITLE; OR

(6) WASHINGTON GROVE.

(C) EFFECT OF SECTION.

THIS SECTION DOES NOT PROHIBIT THE ISSUANCE OF A LICENSE WITH AN ON–SALE PRIVILEGE FOR THE SALE OF:

(1) BEER DURING DAYLIGHT HOURS FOR A RESTAURANT, SNACK BAR, OR SIMILAR FACILITY ON LAND OWNED BY THE MONTGOMERY COUNTY REVENUE AUTHORITY AND OPERATED IN CONNECTION WITH A PUBLIC GOLF COURSE; OR

(2) BEER AND WINE FOR A RESTAURANT ON LAND OWNED BY THE MONTGOMERY COUNTY REVENUE AUTHORITY AND OPERATED IN CONNECTION WITH AN AIRPORT.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–216(a)(3), (4), and (2)(i), and (1)(i) and, except as it related to a maximum of two licenses that may be issued in an election district, (ii).

In the introductory language of subsection (b) of this section, the former reference to a license “for the sale of alcoholic beverages” is deleted as included in the defined term “license”.

Also in the introductory language of subsection (b) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in the introductory language of subsection (b) of this section, the reference to an “establishment” is substituted for the former reference to a “place of business” to conform to terminology used throughout this article.

In subsection (b) of this section, the former reference to “the towns of” Barnesville, Kensington, Laytonsville, and Washington Grove is deleted as surplusage. Similarly, the former reference to “the City of” Takoma Park is deleted.



In subsection (c)(1) of this section, the phrase “operated in connection with a public golf course” is substituted for the former phrase “operated by the Revenue Authority or others in connection with the operation by the Revenue Authority of a public golf course” for brevity. Similarly, in subsection (c)(2) of this section, the phrase “operated in connection with an airport” is substituted for the former phrase “operated by the Revenue Authority or others in connection with the operation of an airport”.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“County” § 25–101

“License” § 1–101

“On-sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

#### **25–1602. LICENSES ALLOWED IN BARNESVILLE.**

**IN BARNESVILLE, THE BOARD MAY ISSUE A 7–DAY ON–SALE BEER, WINE, AND LIQUOR LICENSE TO A RELIGIOUS, FRATERNAL, CIVIC, OR CHARITABLE ORGANIZATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–216(a)(2)(ii).

The former reference to “the town of” Barnesville is deleted as surplusage.

The former reference to a “bona fide” religious, fraternal, civic, or charitable organization is deleted as surplusage.

Defined terms: “Board” § 25–101

“7–day license” § 1–101

#### **25–1603. LICENSES ALLOWED IN DAMASCUS.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO DAMASCUS (12TH ELECTION DISTRICT).**

**(B) RESTAURANTS IN COUNTRY INN ZONE.**

**THE BOARD MAY ISSUE NOT MORE THAN TWO LICENSES WITH AN ON–SALE PRIVILEGE FOR RESTAURANTS IN THE COUNTRY INN ZONE OF THE COUNTY.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSES.**

**THE BOARD MAY ISSUE A 7-DAY CLASS C (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO A VOLUNTEER FIRE DEPARTMENT.**

**(D) CLASS H LICENSES.**

**(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND PARAGRAPH (2) OF THIS SUBSECTION:**

**(I) THE BOARD MAY ISSUE NOT MORE THAN TWO CLASS H BEER AND WINE, HOTEL AND RESTAURANT LICENSES; AND**

**(II) THE LICENSES MAY BE RENEWED OR TRANSFERRED.**

**(2) A LICENSE MAY BE ISSUED, TRANSFERRED, OR RENEWED IF:**

**(I) POOL TABLES, BILLIARD TABLES, SHUFFLEBOARDS, DART BOARDS, VIDEO GAMES, PINBALL MACHINES, OR RECREATIONAL DEVICES ARE NOT USED IN THE LICENSED PREMISES; AND**

**(II) ALCOHOLIC BEVERAGES SERVED BY THE LICENSE HOLDER ARE CONSUMED BY CUSTOMERS WHILE THE CUSTOMERS ARE SEATED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity and to avoid repetition.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 2B, § 8-216(f) and (a)(7), (2)(vi), and the second clause of (1)(ii).

In subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

In subsection (c) of this section, the former reference to a "bona fide" volunteer fire department is deleted as surplusage.

In subsection (d) of this section, the reference to "wine" is substituted for the former reference to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Defined terms: "Alcoholic beverage" § 1-101  
"County" § 25-101

- “License” § 1-101
- “License holder” § 1-101
- “On-sale” § 1-101
- “Restaurant” § 1-101

**25-1604. LICENSES ALLOWED IN KENSINGTON.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO KENSINGTON.**

**(B) IN GENERAL.**

**(1) THE BOARD MAY ISSUE:**

**(I) A 2-DAY ON-SALE BEER AND WINE LICENSE OR A 2-DAY ON-SALE BEER, WINE, AND LIQUOR LICENSE TO A RELIGIOUS, FRATERNAL, CIVIC, OR CHARITABLE ORGANIZATION HOLDING AN EVENT ON MUNICIPAL PROPERTY LOCATED AT 3710 MITCHELL STREET; AND**

**(II) A B-K BEER AND WINE LICENSE OR A B-K BEER, WINE, AND LIQUOR LICENSE FOR USE ON THE SITE OF A RESTAURANT IN THE FOLLOWING COMMERCIAL AREAS:**

**1. THE WEST SIDE OF CONNECTICUT AVENUE BETWEEN KNOWLES AVENUE AND PERRY AVENUE;**

**2. THE EAST SIDE OF CONNECTICUT AVENUE BETWEEN KNOWLES AVENUE AND DUPONT STREET AND BETWEEN UNIVERSITY BOULEVARD AND PERRY AVENUE;**

**3. THE WEST SIDE OF UNIVERSITY BOULEVARD WEST;**

**4. DUPONT AVENUE, WEST OF CONNECTICUT AVENUE;**

**5. PLYERS MILL ROAD, WEST OF METROPOLITAN AVENUE;**

**6. SUMMIT AVENUE BETWEEN KNOWLES AVENUE AND HOWARD AVENUE;**

**7. DETRICK AVENUE BETWEEN KNOWLES AVENUE AND HOWARD AVENUE;**

8. THE SOUTHWEST SIDE OF METROPOLITAN AVENUE BETWEEN NORTH KENSINGTON PARKWAY AND PLYERS MILL ROAD;

9. EAST HOWARD AVENUE;

10. ARMORY AVENUE BETWEEN HOWARD AVENUE AND KNOWLES AVENUE;

11. MONTGOMERY AVENUE BETWEEN HOWARD AVENUE AND KENSINGTON PARKWAY;

12. KENSINGTON PARKWAY AND FREDERICK AVENUE, FROM MONTGOMERY AVENUE TO SILVER CREEK; OR

13. THE EAST SIDE OF CONNECTICUT AVENUE BETWEEN WARNER STREET AND KNOWLES AVENUE.

(2) A B–K BEER, WINE, AND LIQUOR LICENSE OR A B–K BEER AND WINE LICENSE AUTHORIZES THE HOLDER TO KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES FOR ON–PREMISES CONSUMPTION.

(3) A LICENSE HOLDER SHALL MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, NOT INCLUDING CARRYOUT FOOD, OF AT LEAST 50% OF THE OVERALL AVERAGE DAILY RECEIPTS.

(C) CLASS A LICENSES.

(1) THE BOARD MAY ISSUE:

(I) NOT MORE THAN THREE CLASS A (OFF–SALE) BEER AND WINE LICENSES FOR USE IN THE COMMERCIAL AREAS SPECIFIED IN SUBSECTION (B)(1)(II) OF THIS SECTION; AND

(II) SUBJECT TO § 25–1306 OF THIS TITLE, NOT MORE THAN THREE BEER AND WINE TASTING (BWT) LICENSES FOR HOLDING TASTINGS OR SAMPLINGS OF BEER AND WINE.

(2) A CLASS A BEER AND WINE LICENSE AUTHORIZES THE HOLDER TO KEEP FOR SALE AND SELL BEER OR WINE FOR OFF–PREMISES CONSUMPTION 7 DAYS A WEEK, FROM 10 A.M. TO 8 P.M. DAILY.

(3) A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY NOT:

(I) SELL SINGLE BOTTLES OR CANS OF BEER;

(II) SELL REFRIGERATED PRODUCTS; OR

(III) ON A SIDE, DOOR, OR WINDOW OF THE BUILDING OF THE LICENSED PREMISES, PLACE A SIGN OR OTHER DISPLAY THAT ADVERTISES ALCOHOLIC BEVERAGES IN A PUBLICLY VISIBLE LOCATION.

(4) THE ANNUAL LICENSE FEE IS \$250.

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity and to avoid repetition.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 2B, § 8–216(a)(2)(iii), (iv), and (v).

Throughout this section, the former references to “the town of” Kensington are deleted as surplusage.

In subsection (b)(1)(i) of this section, the former reference to a “bona fide” religious, fraternal, civic, or charitable organization is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the reference to the “site” is substituted for the former reference to the “premises” to conform to the terminology used throughout this article.

In subsection (c)(1)(i) and (2) and in the introductory language of subsection (c)(3) of this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 25–101

“License” § 1–101

“License holder” § 1–101

“On-sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

## **25–1605. LICENSES ALLOWED IN LAYTONSVILLE.**

(A) SCOPE OF SECTION.

**THIS SECTION APPLIES ONLY TO LAYTONSVILLE.**

**(B) CLASS B LICENSES.**

**SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD MAY ISSUE NOT MORE THAN TWO CLASS B (ON-SALE) BEER, WINE, AND LIQUOR LICENSES.**

**(C) RESTRICTION.**

**A LICENSE MAY BE ISSUED, RENEWED, OR TRANSFERRED IF ALCOHOLIC BEVERAGES SERVED BY THE LICENSE HOLDER ARE CONSUMED BY CUSTOMERS WHILE THE CUSTOMERS ARE SEATED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity and to avoid repetition.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 2B, § 8-216(e).

Throughout this section, the former references to the "town of" Laytonsville are deleted as surplusage.

In subsection (c) of this section, the phrase "and otherwise provided" is deleted as surplusage.

Former Art. 2B, § 8-216(a)(6), which stated that the town of Laytonsville is excepted from certain provisions prohibiting the issuance of licenses, is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 25-101

"License" § 1-101

"License holder" § 1-101

**25-1606. POOLESVILLE — LOCAL VOTING OPTION.**

**(A) SUBMISSION OF QUESTION TO VOTERS.**

**(1) THE COMMISSIONERS OF POOLESVILLE MAY SUBMIT TO THE VOTERS THE QUESTION OF WHETHER THE SALE OF ALCOHOLIC BEVERAGES OR THE ISSUANCE OF A CLASS OF LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES SHOULD BE PROHIBITED IN POOLESVILLE.**

**(2) THE QUESTION OR A SIMILAR QUESTION MAY BE SUBMITTED TO THE VOTERS AT A REGULAR ELECTION OR A SPECIAL ELECTION CALLED FOR THAT PURPOSE.**

**(3) SUBMISSION OF A QUESTION AT ONE ELECTION DOES NOT PREVENT THE SUBMISSION OF THE SAME OR ANOTHER QUESTION AT A SUBSEQUENT ELECTION.**

**(B) RESULTS OF VOTING ON QUESTION.**

**(1) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION FAVOR ALLOWING THE SALE OF ALCOHOLIC BEVERAGES OR ISSUANCE OF A CLASS OF LICENSE, THE SALE OR THE ISSUANCE WILL CONTINUE IF ALLOWED AT THE TIME OF THE ELECTION OR, IF NOT PREVIOUSLY ALLOWED, WILL BE ALLOWED FOLLOWING THE ELECTION.**

**(2) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION FAVOR PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES OR ISSUANCE OF ANY CLASS OF LICENSE:**

**(I) A LICENSE OF THE CLASS OR FOR THE SALE OF THE CLASS OF ALCOHOLIC BEVERAGES MAY NOT BE ISSUED, RENEWED, OR EXTENDED; BUT**

**(II) A LICENSE ISSUED PREVIOUSLY MAY CONTINUE IN FORCE UNTIL THE DATE OF EXPIRATION BUT MAY NOT BE RENEWED OR EXTENDED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-216(b).

In subsection (a)(1) and (2) of this section, the former references to "questions" are deleted in light of the references to a "question" and GP § 1-202, which provides that the singular includes the plural and the plural includes the singular. Similarly, in subsections (a)(1) and (b) of this section, the former references to "classes" are deleted.

In subsection (a)(1) of this section, the phrase "in Poolesville" is substituted for the former phrase "within the corporate limits of said town" for brevity and clarity.

Also in subsection (a)(1) of this section, the former phrase "in their discretion, from time to time," is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to the "legal and qualified" voters is deleted as implicit in the reference to "voters".

Also in subsection (a)(1) of this section, the former reference to whether "or not" is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the former reference to licenses continuing in force until the date of expiration “in accordance with their terms” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

## **25–1607. LICENSES ALLOWED IN TAKOMA PARK.**

### **(A) IN GENERAL.**

**THE BOARD MAY ISSUE, RENEW, APPROVE THE TRANSFER OF, AND OTHERWISE PROVIDE FOR THE FOLLOWING LICENSES IN TAKOMA PARK:**

**(1) CLASS B (ON– AND OFF–SALE) BEER AND WINE, HOTEL AND RESTAURANT LICENSES;**

**(2) CLASS H (ON–SALE) BEER AND WINE, HOTEL AND RESTAURANT LICENSES;**

**(3) CLASS B (ON–SALE) BEER, WINE, AND LIQUOR, HOTEL AND RESTAURANT LICENSES;**

**(4) CLASS H (ON–SALE) BEER LICENSES;**

**(5) CLASS D (ON– AND OFF–SALE) BEER AND WINE LICENSES;**

**(6) CLASS A–TP (OFF–SALE) BEER, WINE, AND LIQUOR LICENSES;**

**(7) CLASS C (ON–SALE) BEER, WINE, AND LIQUOR LICENSES;**

**(8) BEER AND WINE TASTING (BWT) LICENSES; AND**

**(9) CLASS BD–BWL LICENSES.**

### **(B) CLASS –TP TYPE LICENSES.**

**(1) THIS SUBSECTION APPLIES ONLY TO CLASS –TP TYPE LICENSES THAT WERE ISSUED BY THE BOARD ON JULY 1, 1997, AFTER CERTIFICATION BY THE PRINCE GEORGE’S COUNTY BOARD OF LICENSE COMMISSIONERS.**

**(2) UNLESS REVOKED OR NOT RENEWED FOR GOOD CAUSE, THE CERTIFIED LICENSES SHALL CONTINUE IN EXISTENCE AND BE RENEWED, SUBJECT TO PAYMENT OF THE ANNUAL LICENSE FEE.**



**(3) A CLASS –TP TYPE LICENSE IS NOT TRANSFERABLE TO ANOTHER LOCATION BUT IS TRANSFERABLE TO ANOTHER PERSON, SUBJECT TO THE RESTRICTIONS ON SIMILAR TRANSFERS FOR OTHER LICENSES IN THE COUNTY.**

**(4) (I) A CLASS –TP TYPE LICENSE IS SUBJECT TO THE SAME CONDITIONS AND RESTRICTIONS SPECIFIED BY LAW OR BY THE BOARD AS ARE OTHER LICENSES ISSUED BY THE BOARD.**

**(II) THE BOARD MAY WAIVE WHATEVER STATUTORY AND REGULATORY PROVISION THAT THE BOARD CHOOSES FOR THE AFFECTED LICENSES SO THAT EQUITY, FAIRNESS, AND REASONABLENESS ARE ACHIEVED.**

**(C) PRINCE GEORGE’S COUNTY LICENSES.**

**(1) NOTWITHSTANDING THAT HOLDERS OF CLASS –TP TYPE LICENSES AS OF JULY 1, 1997, ARE SUBJECT TO COUNTY LAWS AND REGULATIONS, THOSE SAME LICENSE HOLDERS MAY RETAIN THE PARTICULAR PRINCE GEORGE’S COUNTY ALCOHOLIC BEVERAGES LICENSE THEY POSSESSED BEFORE UNIFICATION.**

**(2) (I) THE PRINCE GEORGE’S COUNTY LICENSE SHALL REMAIN VALID EXCEPT THAT THE LICENSE DOES NOT APPLY TO THE LICENSED PREMISES TO WHICH THE CLASS –TP TYPE LICENSE APPLIES, BUT IS AN OPEN–LOCATION LICENSE.**

**(II) THE PRINCE GEORGE’S COUNTY LICENSE HOLDER MAY TRANSFER, TO ANOTHER PERSON OR TO A NEW LOCATION WITH THE SAME LICENSE HOLDER, THE LICENSE INTO PRINCE GEORGE’S COUNTY WITHOUT STATUTORY OR REGULATORY RESTRICTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–216(d)(1), (2)(i), (ii), (iv) through (vi), and the first sentence of (iii), and (3)(i) and (ii).

In the introductory language of subsection (a) of this section, the former reference to “the City of” Takoma Park is deleted as surplusage.

Also in subsection (a) of this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b)(1) of this section, the reference to “Class –TP type licenses that were issued by the Board on July 1, 1997, after certification by the Prince

George’s County Board of License Commissioners” is substituted for the language of former Art. 2B, § 8–216(d)(2)(ii) and (iii), which required the Prince George’s County Board of License Commissioners to certify a list of alcoholic beverages licenses as of June 30, 1997, in the portion of Takoma Park that became part of Montgomery County on July 1, 1997, and required the Board to issue Class –TP licenses to the holders of the certified licenses on July 1, 1997.

In subsection (c)(2)(i) of this section, the former phrase “in every sense” is deleted as surplusage.

Former Art. 2B, § 8–216(a)(5), which stated that the City of Takoma Park is excepted from certain provisions prohibiting the issuance of licenses, is deleted as surplusage.

The second sentence of former Art. 2B, § 8–216(d)(2)(iii), which prohibited the Montgomery County Board of License Commissioners from charging a license fee for a Class –TP license until May 1, 1998, is deleted as obsolete.

Former Art. 2B, § 8–216(d)(2)(vii), which prohibited the Montgomery County Department of Health and Human Services from charging an annual fee to a Class –TP license holder until January 1, 1998, is deleted as obsolete.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the references to “Class –TP type licenses”, revised in subsections (b) and (c) of this section, are unclear. The references may be read as applying only to Class A–TP licenses or to all Class –TP type licenses that were in existence before the implementation of Chapter 85 of 2015.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 25–101

“County” § 25–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

**25–1608. DISTANCE RESTRICTION FROM PLACE OF WORSHIP, SCHOOL, OR YOUTH CENTER.**

**(A) 750–FOOT RESTRICTION.**

**EXCEPT AS PROVIDED IN SUBSECTIONS (C) THROUGH (J) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 750 FEET OF:**

(1) A PLACE OF WORSHIP;

(2) AN ELEMENTARY OR A SECONDARY SCHOOL; OR

(3) A YOUTH CENTER SPONSORED OR OPERATED BY A GOVERNMENTAL UNIT.

(B) MEASUREMENT OF DISTANCE.

THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF WORSHIP, ELEMENTARY OR SECONDARY SCHOOL, OR YOUTH CENTER IS TO BE MEASURED FROM THE NEAREST POINT OF THE BUILDING OF THE ESTABLISHMENT TO THE NEAREST POINT OF THE BUILDING OF THE PLACE OF WORSHIP, SCHOOL, OR YOUTH CENTER.

(C) EXCEPTIONS — CULINARY SCHOOL; 1-DAY LICENSE; RENEWALS, TRANSFERS, AND REISSUANCES.

(1) THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY:

(I) TO A CULINARY SCHOOL LICENSE;

(II) TO A PER DIEM LICENSE ISSUED FOR USE ON THE SITE OF A PLACE OF WORSHIP, AN ELEMENTARY OR A SECONDARY SCHOOL, OR A YOUTH CENTER; OR

(III) IF A PLACE OF WORSHIP, SCHOOL, OR YOUTH CENTER WAS BUILT WITHIN 750 FEET OF AN ESTABLISHMENT AFTER ISSUANCE OF THE LICENSE, TO A LICENSE:

1. RENEWAL;

2. TRANSFER; OR

3. SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, REISSUANCE, IF THE LICENSE IS REISSUED WITHIN 1 YEAR AFTER THE DATE OF EXPIRATION OR REVOCATION OF THE PRIOR LICENSE.

(2) REISSUANCE IS PROHIBITED IF THE ACTS OF THE OWNER OF AN ESTABLISHMENT CAUSED THE LICENSE TO BE REVOKED.

(D) EXCEPTION — COMMERCIAL OR INDUSTRIAL ZONE.

IF THE ESTABLISHMENT IS ON LAND THAT IS ZONED COMMERCIAL OR INDUSTRIAL AND IS ADJACENT OR CONTIGUOUS TO OTHER LAND SIMILARLY CLASSIFIED, THE BOARD, BY MAJORITY VOTE, MAY ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS MORE THAN 300 FEET FROM A PLACE OF WORSHIP, ELEMENTARY OR SECONDARY SCHOOL, OR YOUTH CENTER.

**(E) EXCEPTION — BURTONSVILLE TOWN SQUARE.**

THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE AN ON-SALE LICENSE FOR A RESTAURANT THAT IS LOCATED IN BURTONSVILLE TOWN SQUARE SHOPPING CENTER AT THE NORTHWEST CORNER OF MD 198 AND US 29A IF THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY PLACES OF WORSHIP, SCHOOLS, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY.

**(F) EXCEPTION — CBD ZONE, ROCKVILLE TOWN CENTER PERFORMANCE DISTRICT, TAKOMA PARK TRANSIT IMPACT AREA, AND KENSINGTON.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE A LICENSE WITH AN ON-SALE PRIVILEGE FOR A RESTAURANT ON LAND CLASSIFIED IN OR NEAR:**

**(I) A CBD ZONE (CENTRAL BUSINESS DISTRICT ZONE);**

**(II) THE ROCKVILLE TOWN CENTER PERFORMANCE DISTRICT;**

**(III) THE TAKOMA PARK TRANSIT IMPACT AREA, AS APPROVED AND ADOPTED IN THE SECTOR PLAN FOR TAKOMA PARK; OR**

**(IV) THE KENSINGTON COMMERCIAL AREAS SPECIFIED IN § 25-1604 OF THIS SUBTITLE.**

**(2) A LICENSE MAY BE ISSUED FOR A RESTAURANT SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IF:**

**(I) 1. THE NEAREST POINT OF THE RESTAURANT BUILDING IS WITHIN 500 FEET OF THE NEAREST BOUNDARY LINE OF THE RESPECTIVE ZONE, DISTRICT, OR AREA; OR**

**2. THE RESTAURANT BUILDING IS ENTIRELY CONTAINED IN LAND CLASSIFIED IN THE RESPECTIVE ZONE, DISTRICT, OR AREA; AND**

(II) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY PLACES OF WORSHIP, SCHOOLS, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY.

(G) EXCEPTION — GAITHERSBURG.

THE BOARD, BY MAJORITY VOTE, MAY ISSUE AN ON-SALE CLASS B BEER, WINE, AND LIQUOR LICENSE FOR A RESTAURANT IN GAITHERSBURG IF:

(1) THE RESTAURANT IS LOCATED IN A SHOPPING CENTER BORDERED BY MARYLAND ROUTE 355, CENTRAL AVENUE, POPLARWOOD PLACE, AND NORTH WESTLAND DRIVE;

(2) THE RESTAURANT IS LOCATED MORE THAN 275 FEET FROM A PLACE OF WORSHIP; AND

(3) A PRIOR OWNER OR TENANT AT THE SITE OF THE RESTAURANT HELD AN ALCOHOLIC BEVERAGES LICENSE.

(H) EXCEPTION — HILLANDALE SHOPPING CENTER.

THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE A LICENSE WITH AN ON-SALE PRIVILEGE FOR A RESTAURANT THAT IS LOCATED IN THE HILLANDALE SHOPPING CENTER AT THE NORTHEAST CORNER OF MD 650 AND INTERSTATE 495 IF THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY PLACES OF WORSHIP, SCHOOLS, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY.

(I) EXCEPTION — ROCKSHIRE PLANNED RESIDENTIAL UNIT DEVELOPMENT.

THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE A LICENSE WITH AN ON-SALE PRIVILEGE FOR A RESTAURANT IN THE ROCKSHIRE PLANNED RESIDENTIAL UNIT DEVELOPMENT IN ROCKVILLE IF:

(1) THE RESTAURANT BUILDING IS ENTIRELY CONTAINED ON LAND IN THE ROCKSHIRE PLANNED RESIDENTIAL UNIT DEVELOPMENT AREA; AND

(2) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY PLACES OF WORSHIP, SCHOOLS, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY.

(J) EXCEPTION — ROCK SPRING CENTRE.

**THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE A LICENSE WITH AN ON-SALE PRIVILEGE FOR AN ESTABLISHMENT IN ROCK SPRING CENTRE BORDERED BY ROCK SPRING DRIVE, ROCKLEDGE DRIVE, INTERSTATE 270, AND OLD GEORGETOWN ROAD IN BETHESDA, IF THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY PLACES OF WORSHIP, SCHOOLS, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-216(a) through (g).

Throughout this section, the former references to a "church" are deleted as included in the references to a "place of worship".

In the introductory language of subsection (a) of this section, the reference to a license "for an establishment" is added for clarity and consistency with subsections (b) and (c) of this section.

In the introductory language of subsection (a) and in subsection (d) of this section, the former reference to a license "to sell alcoholic beverages" is deleted as included in the defined term "license".

In subsection (a)(3) of this section, the reference to a governmental "unit" is substituted for the former reference to a governmental "agency" to conform to the terminology used throughout this article.

In subsection (b) of this section, the former reference to the "proposed" establishment "for which the license is requested" is deleted as surplusage.

In the introductory language of subsection (c)(1) of this section, the former reference to this section not "affect[ing] or prohibit[ing], in any manner" the items listed in subsection (c)(1)(iii) is deleted as included in the reference to the section not "apply[ing] to" those items.

In subsection (c)(1)(iii)3 of this section, the former phrase "[f]or the purposes of this section" is deleted as surplusage.

In subsection (d) of this section, the reference to an "establishment" is substituted for the former reference to the "building" to conform to the terminology used throughout this article.

Also in subsection (d) of this section, the reference to land that is "zoned commercial or industrial" is substituted for the former reference to land that is "classified in a commercial or industrial zone under the applicable zoning ordinance" for brevity.

Also in subsection (d) of this section, the former phrase “under the zoning ordinance” is deleted as surplusage.

In subsections (e), (f), (g), (h), (i), and (j) of this section, the former phrase “[n]otwithstanding the provisions of subsection (a) of this section” is deleted as unnecessary in light of the introductory language of subsection (a) of this section that states “[e]xcept as provided in subsections (c) through (j) of this section”.

In subsections (e), (f), (h), (i), and (j) of this section, the former phrase “[e]xcept for the distance restrictions provided in subsection (a) of this section” is deleted as unnecessary in light of the introductory language of subsection (a) of this section that states “[e]xcept as provided in subsections (c) through (j) of this section”.

In subsections (e), (f), (h), and (j) of this section, the former definitions of “Burtonsville Town Square”, “Takoma Park Transit Impact Area”, “Hillandale Shopping Center”, and “Rock Spring Centre”, used once in the former law, are revised as part of the substantive provisions of those subsections for concision.

In subsections (e), (h), and (j) and in the introductory language of subsections (f)(2), (g), and (i) of this section, the former references to “the following conditions are satisfied” are deleted as implicit in the word “if”.

In subsection (e) of this section, the reference to the authority of the Board to “issue an on–sale license for a restaurant” is substituted for the former reference to the authority of the Board to “approve an application for an alcoholic beverages license of an applicant for a restaurant” for brevity. Similarly, in subsection (h) and in the introductory language of subsections (f)(1) and (i) of this section, the references to the authority of the Board to “issue a license with an on–sale privilege for a restaurant” are substituted for the former references to the authority of the Board to “approve an application for an alcoholic beverages license of an applicant for a restaurant”. Similarly, in subsection (j) of this section, the reference to the authority of the Board to “issue a license with an on–sale privilege for an establishment” is substituted for the former reference to the authority of the Board to “approve an application for an alcoholic beverages license of an applicant for an establishment”.

In subsection (e) of this section, the former reference to the shopping center “located in Montgomery County” is deleted as unnecessary in light of the organization of this revised article. Similarly, in subsection (g)(1) of this section, the former phrase “in Montgomery County” is deleted and in subsections (h) and (j) of this section, the former phrases “located in Montgomery County” are deleted.

In subsection (f)(2)(i)1 of this section, the former phrase “[i]f the restaurant building is outside the respective zone, district, or area the measurement of the distance of” the nearest point of the restaurant building is deleted as surplusage.

In the introductory language of subsection (g) of this section, the former reference to “the City of” Gaithersburg is deleted as surplusage. Similarly, in the introductory language of subsection (i) of this section, the former reference to “the City of” Rockville is deleted.

In the introductory language of subsection (i)(1) of this section, the former phrase “in existence as of June 1, 2004” is deleted as obsolete.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the distance restriction established under former Art. 2B, § 9–216(a)(2), revised in subsection (a) of this section, applies only to an elementary or a secondary school but not to a middle school.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 25–101

“License” § 1–101

“On-sale” § 1–101

“Restaurant” § 1–101

## **25–1609. BOWLING ALLEY, BILLIARD HALL, AND DRUGSTORE RESTRICTIONS.**

### **(A) IN GENERAL.**

#### **THE BOARD MAY NOT ISSUE:**

#### **(1) A CLASS H BEER AND WINE LICENSE:**

**(I) FOR USE IN CONJUNCTION WITH, ON THE SITE OF, OR TO A RESTAURANT IN A DRUGSTORE; OR**

**(II) FOR USE IN AN ESTABLISHMENT WITH A DOOR, AN ARCHWAY, AN OPENING, OR OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO A DRUGSTORE; OR**

#### **(2) A CLASS D LICENSE:**

**(I) FOR USE IN CONJUNCTION WITH, ON THE SITE OF, OR TO A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE;**



(II) FOR USE IN AN ESTABLISHMENT WITH A DOOR, AN ARCHWAY, AN OPENING, OR OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE; OR

(III) FOR USE IN CONJUNCTION WITH, ON THE SITE OF, OR TO A RESTAURANT IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.

**(B) CLASS H LICENSES — BOWLING ALLEYS.**

IF THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES DO NOT EXCEED THE GROSS RECEIPTS FROM THE SALE OF FOOD, THE BOARD MAY ISSUE A CLASS H LICENSE TO, FOR USE IN CONJUNCTION WITH, OR ON THE SITE OF A RESTAURANT IN A BOWLING ALLEY.

**(C) DRUGSTORE EXCLUSION.**

**THIS SECTION DOES NOT APPLY TO A DRUGSTORE OR ADJOINING ESTABLISHMENT THAT ON JULY 1, 1969:**

**(1) HELD A CLASS D LICENSE; AND**

**(2) HAD A DOOR, AN ARCHWAY, AN OPENING, OR OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO ANY DRUGSTORE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5-202(c)(2)(ii) and (iii) and 5-401(q)(3).

Throughout this section, the references to the "Board" are added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also throughout this section, the references to a "site" are substituted for the former references to a "premises" to conform to the terminology used throughout this article.

In subsection (a)(2) of this section, the former definition of "establishment," used only in former Art. 2B, § 5-401(g)(4), is revised as part of the substantive provisions of this section for concision.

In subsection (c) of this section, the clause "[t]his section does not apply" is substituted for the former clause "[t]hese restrictions which prohibit the issuance of licenses to drugstores or premises adjoining them are not applicable" for brevity.

Former Art. 2B, § 5–202(c)(2)(i), which stated that former Art. 2B, § 5–202(c)(2) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 25–101

“Restaurant” § 1–101

## **25–1610. MOTOR FUEL RESTRICTIONS.**

### **(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR USE IN AN ESTABLISHMENT THAT SELLS MOTOR VEHICLE FUEL TO MOTORISTS FROM A FUEL PUMP ON THE SITE.**

### **(B) RENEWALS ALLOWED.**

**THE BOARD MAY RENEW A LICENSE THAT HAS BEEN ISSUED FOR USE IN AN ESTABLISHMENT THAT SELLS MOTOR VEHICLE FUEL TO MOTORISTS FROM A FUEL PUMP LOCATED ON THE SITE IF THE LICENSE WAS IN EFFECT ON JANUARY 1, 1989.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–216(h).

Throughout this section, the references to the “site” are substituted for the former references to the “premises” to conform to the terminology used throughout this article.

Defined terms: “Board” § 25–101

“License” § 1–101

## **25–1611. RESERVED.**

## **25–1612. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

## **25–1613. SCOPE OF PART.**

**SECTIONS 25–1614 AND 25–1615 OF THIS SUBTITLE APPLY ONLY TO A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR ON–SALE LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102.1(b)(3).

The section is drafted as a scope provision rather than as a definition of “license” for clarity.

Former Art. 2B, § 9–102.1(a), which stated that the provisions of former Art. 2B, § 9–102.1 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9–102.1(b)(1), which was the standard introductory language to a definitions section, is deleted because a definitions section is not used in this part.

Former Art. 2B, § 9–102.1(b)(2), which defined “Board”, is deleted as redundant of the same definition in § 25–101 of this title.

#### **25–1614. MAXIMUM NUMBER OF CLASS B LICENSES — IN GENERAL.**

**EXCEPT AS PROVIDED IN § 25–1615 OF THIS SUBTITLE, THE BOARD MAY NOT AUTHORIZE THE SAME LICENSE HOLDER TO HOLD MORE THAN 10 LICENSES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102.1(c)(1).

Defined terms: “Board” § 25–101  
“License holder” § 1–101

#### **25–1615. MAXIMUM NUMBER OF CLASS B LICENSES — HOTELS.**

##### **(A) ADDITIONAL LICENSES AUTHORIZED.**

**THE BOARD MAY ISSUE ADDITIONAL CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSES TO A LICENSE HOLDER FOR PREMISES OPERATED AS A HOTEL.**

##### **(B) APPLICANT REQUIREMENTS.**

**(1) AN APPLICANT FOR AN ADDITIONAL CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE UNDER THIS SECTION SHALL:**

**(I) HAVE A MINIMUM RESTAURANT SEATING CAPACITY OF 100 INDIVIDUALS; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, MEET THE HOTEL REQUIREMENTS SET FORTH IN § 25–904 OF THIS TITLE.**

**(2) IF THE CAPITAL INVESTMENT IN THE HOTEL EXCEEDS \$3,000,000, THE BUILDING HEIGHT AND ELEVATOR REQUIREMENTS REQUIRED BY § 25-904(B)(1) OF THIS TITLE DO NOT APPLY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102.1(c)(2).

In subsection (a) of this section, the reference to “[t]he Board may issue” additional licenses is substituted for the former phrase “[a] licensee may obtain” additional licenses for clarity.

Also in subsection (a) of this section, the former reference to a “public” hotel is deleted as surplusage.

In subsection (b)(1)(i) of this section, the former phrase “as specified in § 6-201(a)(3) of this article” is deleted as surplusage.

Also in subsection (b)(1)(i) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this section applies only to human beings.

In subsection (b)(1)(ii) of this section, the reference to “hotel” requirements is substituted for the former reference to “minimum” requirements for clarity.

Defined terms: “Board” § 25-101

“Hotel” § 1-101

“License holder” § 1-101

“On-sale” § 1-101

**25-1616. MAXIMUM NUMBER OF SPECIAL CULINARY SCHOOL LICENSES.**

**(A) THREE LICENSE LIMIT.**

**THE BOARD MAY ISSUE NO MORE THAN THREE SPECIAL CULINARY SCHOOL LICENSES TO A SINGLE CULINARY SCHOOL.**

**(B) EACH LICENSE FOR SEPARATE LOCATION.**

**EACH LICENSE ISSUED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE FOR A SEPARATE LOCATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(q).

In subsection (a) of this section, the former reference “[n]otwithstanding subsection (a) of this section” is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Board” § 25–101

**SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**25–1701. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(q).

The reference to the application of this section “without exception or variation” is added to conform to the terminology used in similar provisions throughout this article.

Defined terms: “County” § 25–101  
“License” § 1–101

**25–1702. HEARING AND NOTICE REQUIREMENTS.**

**(A) BOARD TO SET HEARING AND POST NOTICE.**

**BEFORE AN APPLICATION FOR A TRANSFER OF A LICENSE IS GRANTED, THE BOARD SHALL:**

**(1) SCHEDULE A PUBLIC HEARING; AND**

**(2) CAUSE THE POSTING OF A SUITABLE NOTICE OF THE HEARING IN A CONSPICUOUS PLACE ON THE PREMISES DESCRIBED IN THE APPLICATION.**

**(B) NOTICE SPECIFICATIONS.**

**THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

**(1) SPECIFY THE CLASS OF LICENSE SUBJECT TO THE APPLICATION AND THE TIME, DATE, AND PLACE FOR THE HEARING; AND**

**(2) REMAIN POSTED FOR AT LEAST 30 DAYS BEFORE THE HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(m)(1), as it related to license transfers.

In subsection (a)(1) of this section, the reference to the requirement that the Board “schedule a public hearing” expressly states what was only implicit in the former law, that the Board is required to hold a public hearing on an application for a transfer.

In subsection (b)(1) of this section, the reference to the class of license “subject to the application” is substituted for the former reference to the class of license “applied for” for clarity and consistency.

Defined terms: “Board” § 25–101  
“License” § 1–101

#### **SUBTITLE 18. RENEWAL OF LICENSES.**

##### **25–1801. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–403 (“RENEWAL APPLICATION”);**
- (3) § 4–406 (“PROTESTS”);**
- (4) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (5) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (6) § 4–409 (“MULTIPLE LICENSES”); AND**
- (7) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

###### **(B) EXCEPTION.**

**SECTION 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 25-1802 OF THIS SUBTITLE.**

**(C) VARIATION.**

**SECTION 4-405 (“CONTENTS OF RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 25-1803 AND 25-1805 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 25-101  
 “License” § 1-101

**25-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

**(A) TIME FOR FILING.**

**TO RENEW A LICENSE, A LICENSE HOLDER ANNUALLY SHALL FILE AN APPLICATION WITH THE BOARD BETWEEN FEBRUARY 1 AND MARCH 31, INCLUSIVE.**

**(B) LATE FILING.**

**THE BOARD MAY:**

**(1) ACCEPT LATE APPLICATIONS DURING APRIL; AND**

**(2) FINE THE LICENSE HOLDER AN AMOUNT NOT EXCEEDING \$50 FOR EACH DAY THE APPLICATION IS LATE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(l)(1).

In subsection (a) of this section, the reference to filing an application “with the Board” is added for clarity.

Also in subsection (a) of this section, the former reference to renewal “in accordance with subsection (a) of this section” is deleted as included in the cross reference to the statewide provisions under § 22-1801 of this subtitle.

In subsection (b)(1) of this section, the reference authorizing the Board to “accept” late applications is substituted for the former reference authorizing the Board to “receive” late applications for clarity.

Defined terms: “Board” § 25–101

“License” § 1–101

“License holder” § 1–101

### **25–1803. PHOTOGRAPH AND FINGERPRINT REQUIREMENTS.**

**A LICENSE RENEWAL APPLICATION SHALL:**

**(1) MEET THE PHOTOGRAPH AND FINGERPRINT REQUIREMENTS OF § 25–1409 OF THIS TITLE; AND**

**(2) BE ACCOMPANIED BY A SWORN STATEMENT BY THE LICENSE HOLDER THAT THE GROSS RECEIPTS FROM FOOD SALES IN THE RESTAURANT OR HOTEL FOR THE 12–MONTH PERIOD IMMEDIATELY BEFORE THE APPLICATION FOR RENEWAL HAVE BEEN AT LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–301(l)(2) and 6–201(q)(2)(ii)2.

In item (1) if this section, the reference to “photograph and fingerprint requirements” is added for clarity.

Also in item (1) of this section, the former reference to photograph and fingerprint requirements “as the Board may prescribe” is deleted as unnecessary.

In item (2) of this section, the reference to a requirement that a license renewal application “be accompanied by” a sworn statement “by the license holder” is substituted for the former reference to a requirement that “[a]s a prerequisite for each renewal of a license issued under this subsection, the owner shall attest” in a sworn statement for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Hotel” § 1–101

“License” § 1–101

“License holder” § 1–101

“Restaurant” § 1–101

### **25–1804. CRIMINAL HISTORY RECORDS CHECK APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE APPLIES TO AN APPLICANT FOR LICENSE RENEWAL.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(iv)2.

Defined term: “License” § 1–101

**25–1805. EXCEPTION TO REQUIRED CONSENT STATEMENT.**

**A LICENSE HOLDER MAY RENEW THE LICENSE WITHOUT OBTAINING A CONSENT STATEMENT FROM THE OWNER OF THE BUILDING THAT CONTAINS THE LICENSED PREMISES IF THE LICENSE HOLDER HAS A LEASE ON THE ENTIRE BUILDING FOR AT LEAST THE TERM OF THE RENEWED LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(f), as it related to Montgomery County.

The reference to the authority to “renew” a license is substituted for the former reference to the authority to “obtain a renewal” for clarity and brevity.

The reference to the required “consent statement” is substituted for the former reference to the required “certificate of approval” for clarity.

The reference to a building “that contains the licensed premises” is substituted for the former reference to a building “in which the business is conducted” for clarity.

The reference to a lease for “at least” the term of renewal is substituted for the former reference to a lease for “not less than” the term of renewal for clarity.

Defined terms: “License” § 1–101  
“License holder” § 1–101

**25–1806. RENEWAL OF LICENSE FOR PREMISES WITH NONCONFORMING USE.**

**(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY RENEW A LICENSE THAT THE BOARD PREVIOUSLY ISSUED FOR PREMISES ON WHICH A LAWFUL NONCONFORMING USE EXISTS.**

**(B) EXCEPTION.**

**THE BOARD MAY NOT RENEW A LICENSE THAT IS LESS RESTRICTIVE THAN ANY LICENSE THAT THE BOARD PREVIOUSLY ISSUED FOR THE PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–216(i), as it related to the authority to renew a license for premises with a nonconforming use.

Defined terms: “Board” § 25–101

“License” § 1–101

#### **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

##### **25–1901. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**

**(2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**

**(3) § 4–504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”);**

**(4) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”); AND**

**(5) § 4–508 (“DISPLAY OF LICENSE”).**

###### **(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4–505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO §§ 25–1902 AND 25–1903 OF THIS SUBTITLE; AND**

**(2) § 4–507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”), SUBJECT TO § 25–1904 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 25–101

“License” § 1–101

“License holder” § 1–101

**25–1902. ALCOHOL AWARENESS PROGRAM — CATERERS.**

**THE ALCOHOL AWARENESS PROGRAM DESCRIBED IN § 4–505 OF THIS ARTICLE APPLIES TO A HOLDER OF A CATERER’S LICENSE ISSUED UNDER § 25–1202 OF THIS TITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(b)(1)(iii).

**25–1903. ALCOHOL AWARENESS PROGRAM — PRESENCE ON LICENSED PREMISES REQUIRED.**

**(A) IN GENERAL.**

**THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL BE:**

**(1) CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM;**

**AND**

**(2) PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

**(B) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(d) and (c)(2)(i)2 and (iii).

In the introductory language of subsection (a) of this section, the reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

In subsection (a)(2) of this section, the reference to being present “on the licensed premises” is added for clarity.

Also in subsection (a)(2) of this section, the defined term “alcoholic beverage[s]” is substituted for the former reference to “alcohol” to conform to the terminology used throughout this article.

Also in subsection (a)(2) of this section, the former phrase “[e]xcept as otherwise provided in subparagraph (iv) of this paragraph” is deleted as unnecessary because former subparagraph (iv) did not apply to Montgomery County.

Defined terms: “Alcoholic beverage” § 1–101  
“License holder” § 1–101

## **25–1904. RETAIL DELIVERY.**

### **(A) REQUIREMENTS FOR DELIVERER AND INDIVIDUAL TAKING DELIVERY.**

**A LICENSE HOLDER MAY NOT MAKE AN OFF–SITE RETAIL DELIVERY OF ALCOHOLIC BEVERAGES UNLESS:**

#### **(1) THE DELIVERER IS AT LEAST:**

**(I) 21 YEARS OLD; OR**

**(II) 18 YEARS OLD AND IS ACCOMPANIED BY A SUPERVISOR WHO IS AT LEAST 21 YEARS OLD; AND**

**(2) THE INDIVIDUAL TAKING POSSESSION OF THE DELIVERY PROVIDES THE DELIVERER WITH WRITTEN CERTIFICATION THAT IS:**

**(I) IN THE FORM DESCRIBED UNDER § 4–506 OF THIS ARTICLE;**  
**AND**

**(II) SUPPORTED BY DOCUMENTARY PROOF THAT THE INDIVIDUAL IS OF LEGAL AGE TO PURCHASE ALCOHOLIC BEVERAGES.**

### **(B) CERTIFICATIONS.**

**(1) EACH CERTIFICATION EXECUTED UNDER THIS SECTION SHALL BE RETAINED BY THE LICENSE HOLDER FOR AT LEAST 1 YEAR.**

**(2) A CERTIFICATION SHALL BE AVAILABLE FOR EXAMINATION DURING REGULAR BUSINESS HOURS BY AN AUTHORIZED REPRESENTATIVE OF THE BOARD.**

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

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-301(d)(2) through (4).

In subsection (a)(2) of this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

Former Art. 2B, § 12-301(d)(1), which stated that former Art. 2B, § 12-301(d) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 25-101

"License holder" § 1-101

**25-1905. SALES BY CERTAIN LICENSE HOLDERS LIMITED TO ALCOHOLIC BEVERAGES PURCHASED FROM DEPARTMENT.**

**A LICENSE HOLDER MAY SELL ONLY ALCOHOLIC BEVERAGES PURCHASED FROM THE DEPARTMENT OF LIQUOR CONTROL FOR THE COUNTY IF THE HOLDER'S LICENSE IS:**

- (1) A CLASS A, CLASS B, CLASS H, CLASS C, OR CLASS D BEER LICENSE;**
- (2) A CLASS B, CLASS C, OR CLASS D BEER AND WINE LICENSE; OR**
- (3) A CLASS A-TP, CLASS B, OR CLASS C BEER, WINE, AND LIQUOR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-216(a).

In item (1) of this section, the reference to a Class "H" beer license is substituted for the former reference to a Class "H-TP" license to conform to the nomenclature enacted in Chapter 85 of the Acts of 2015, which repealed the authority of the Board to issue most "TP" licenses. Similarly, in item (2) of this section, the former reference to a Class "D-TP" license is deleted as included in the reference to a Class "D" license; and in item (3) of this section,

the former reference to a Class “C-TP” license is deleted as included in the reference to a Class “C” license.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“County” § 25-101

“License holder” § 1-101

“Wine” § 1-101

## **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

### **25-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

#### **(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

#### **(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Montgomery County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former references to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

## **25–2002. BEER LICENSES.**

### **(A) CLASS A BEER LICENSE.**

**A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

### **(B) CLASS B BEER LICENSE.**

**A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY:**

**(1) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

### **(C) CLASS C BEER LICENSE.**

**A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 11 A.M. TO MIDNIGHT.**

**(D) CLASS D BEER LICENSE.**

**A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY:**

**(1) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(E) CLASS H BEER LICENSE.**

**A HOLDER OF A CLASS H BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY;**

**(2) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-301(b)(2), (c)(3), (d)(4), (e)(2), and, as they related to Montgomery County, (c)(1), (d)(1), and (e)(1) and, as they related to beer licenses, 11-516(a)(1) and (d).

Throughout this section, references to "may sell beer" are substituted for the former references to "privileges conferred by a ... license ... may be exercised" for brevity.

Former Art. 2B, § 11-301(a)(4), which stated that in Montgomery County the hours of sale for beer licenses are as provided in former Art. 2B, § 11-516(d)(1), is deleted as unnecessary in light of the organization of this revised article.

**25-2003. CLASS A WINE LICENSE.**

**A HOLDER OF A CLASS A WINE LICENSE MAY SELL WINE MONDAY THROUGH SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language that, in part, is new language added for clarity and, in part, is derived without substantive change from former Art. 2B, § 11-516(a)(1), as it related to a Class A wine license.



The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours of sale on Monday through Saturday for the Class A wine license issued in Montgomery County are not set out in statutory law. The hours and days of sale for other Class A licenses in Montgomery County have been added to this section. The Alcoholic Beverages Article Review Committee brings this addition to the attention of the General Assembly.

**25-2004. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(I) FOR ON-PREMISES CONSUMPTION:**

**1. ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**2. ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(II) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(C) CLASS B-K BEER AND WINE LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B-K BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AFTER 11 P.M. IF THE LICENSED ESTABLISHMENT IS IN A COMMERCIAL AREA SPECIFIED IN § 25-1604(B)(1)(II)9 THROUGH 13 OF THIS TITLE.**

**(D) CLASS C BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY, FROM 11 A.M. TO MIDNIGHT.**

**(E) CLASS D BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(1) FOR ON-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(F) CLASS H BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS H BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-302(a)(5), (b)(4), (c)(1) and (5), (d)(1) and (5), and (e)(3), and, as it related to hours and days of sale, 8-216(a)(2)(iv)4, and, as it related to the sale of beer and wine in Montgomery County, 11-403(a)(1)(ii), and, as it related to beer and wine licenses, 11-516(a)(1) and (d).

Throughout this section, the phrase “may sell beer and wine”, is substituted for the former phrase “[may exercise] the privileges conferred [by the] license” for brevity.

In subsection (a) of this section, the former reference to a “Class A (off-sale) beer” license is deleted as obsolete.

In subsections (b) and (e) of this section, the phrases “for on–premises consumption” and “for off–premises consumption” are substituted for the former references to “on–sale” and “off–sale” for clarity.

In subsection (c) of this section, the former references to a “special” B–K beer and wine license are deleted as surplusage.

In subsection (e) of this section, the former reference to the hours of sale “on any day” is deleted in light of former § 11–516(a), which provides for different hours of sale on Sundays.

Defined terms: “Beer” § 1–101  
 “License holder” § 1–101  
 “Wine” § 1–101

## **25–2005. BEER, WINE, AND LIQUOR LICENSES.**

### **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**RESERVED.**

### **(B) CLASS A–TP BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A–TP BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

### **(C) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH THURSDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(II) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 3 A.M. THE FOLLOWING DAY; AND**

**(III) ON SUNDAY:**

**1. FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

2. FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY IF THE FEDERAL GOVERNMENT HAS DESIGNATED THE FOLLOWING DAY AS PRESIDENT'S DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, OR CHRISTMAS.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.

(3) THE LICENSE HOLDER SHALL SELL OR MAKE AVAILABLE FOOD FOR CONSUMPTION ON THE PREMISES DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED TO BE SERVED.

(D) CLASS B–K BEER, WINE, AND LIQUOR LICENSE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B–K BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND

(II) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 11 P.M. IF THE LICENSED ESTABLISHMENT IS IN A COMMERCIAL AREA SPECIFIED IN § 25–1604(B)(1)(II)9 THROUGH 13 OF THIS TITLE.

(E) CLASS B–BWL (H–M) LICENSE.

(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A HOLDER OF A CLASS B–BWL (H–M) BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) ON MONDAY THROUGH THURSDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY;

(II) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 3 A.M. THE FOLLOWING DAY; AND

(III) ON SUNDAY:

1. FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; OR

2. FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY IF THE FEDERAL GOVERNMENT HAS DESIGNATED THE FOLLOWING DAY AS PRESIDENT'S DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, OR CHRISTMAS.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.

(3) THE LICENSE HOLDER SHALL SELL OR MAKE AVAILABLE FOOD FOR CONSUMPTION ON THE PREMISES DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED TO BE SERVED.

(F) CLASS BD-BWL BEER, WINE, AND LIQUOR LICENSE.

A HOLDER OF A CLASS BD-BWL BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(1) FOR ON-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(2) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.

(G) CLASS C BEER, WINE, AND LIQUOR LICENSE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) ON SUNDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY.

(H) CLASS C CONSUMPTION LICENSE.

A HOLDER OF A CLASS C CONSUMPTION LICENSE MAY ALLOW THE ON-PREMISES CONSUMPTION BY A MEMBER OF A CORPORATION, CLUB, OR COUNTRY CLUB FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.

(I) CLASS D BEER, WINE, AND LIQUOR LICENSE.

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH THURSDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(II) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 3 A.M. THE FOLLOWING DAY; AND**

**(III) ON SUNDAY:**

**1. FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**2. FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY IF THE FEDERAL GOVERNMENT HAS DESIGNATED THE FOLLOWING DAY AS WASHINGTON’S BIRTHDAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, OR CHRISTMAS.**

**(2) THE LICENSE HOLDER SHALL SELL OR MAKE AVAILABLE FOOD FOR ON-PREMISES CONSUMPTION DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED TO BE SERVED.**

REVISOR’S NOTE: Subsection (b) of this section is new language added to clarify the hours and days of sale for a Class A–TP beer, wine, and liquor license.

Subsections (c) through (i) of this section are new language derived without substantive change from former Art. 2B, §§ 6–201(q)(7)(vi), 11–303(b)(3) and (c)(4), 11–403(a)(1)(ii), and 11–516(b), (c), and, as it related to beer, wine, and liquor licenses, (a), and, as it related to hours and days of sale, 8–216(a)(2)(iv)4.

Throughout this section, the phrase “may sell beer, wine, and liquor” is substituted for the former phrase “privileges conferred by a ... license may be exercised” for clarity.

In subsection (c)(1)(iii)2 of this section, the former phrase “one of the following holidays” is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of “a holder of a special B–K beer, wine, and liquor license [to] sell beer, wine, and liquor” is substituted for the former reference to the authority “in the town of Kensington, [of] the Montgomery Board of License Commissioners [to] issue” a special B–K beer, wine, and liquor license to conform to the style used throughout this subtitle.

In subsection (h) of this section, the former phrase “pursuant to § 6–301(q)(4) of this article” is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the Class A–TP beer, wine, and liquor license under subsection (b) of this section were not set out in statutory law. The hours and days of sale have been added to this section. The Alcoholic Beverages Article Review Committee brings this addition to the attention of the General Assembly.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

## **25–2006. HOURS ON JANUARY 1.**

**THE BOARD MAY ISSUE A PERMIT AUTHORIZING A LICENSE HOLDER TO SELL ALCOHOLIC BEVERAGES FOR ON–PREMISES CONSUMPTION UNTIL 2 A.M. ON JANUARY 1 IF THE LICENSE HOLDER APPLIES TO THE BOARD FOR THE PERMIT AT LEAST 60 DAYS IN ADVANCE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(q)(2).

The defined term “Board” is substituted for the former reference to “the Commissioners” to conform to the terminology used throughout this article.

The former phrase “[u]pon application to the Board of License Commissioners” is deleted as unnecessary.

The former reference to a “special” permit is deleted as surplusage.

The former reference to a license holder to “stay open” is deleted as implicit in the reference to the authority of a license holder to sell alcoholic beverages.

The former phrase “subject to the provisions of this article” is deleted as implicit in this section.

Former Art. 2B, § 11–402(q)(1), which stated that former Art. 2B, § 11–402(q) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 25–101

“License holder” § 1–101

**25–2007. HOURS WHEN CONSUMPTION IS PROHIBITED.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO A LICENSED PREMISES FOR WHICH ONE OF THE FOLLOWING LICENSES IS ISSUED:**

- (1) A CLASS H BEER LICENSE;**
- (2) A CLASS B, CLASS D, OR CLASS H BEER AND WINE LICENSE; OR**
- (3) A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) IN GENERAL.**

**AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A LICENSED PREMISES FROM 1:30 A.M. TO THE TIME WHEN THE LICENSE HOLDER MAY BEGIN DAILY SALES UNDER THE LICENSE.**

**(C) OWNER OR MANAGER.**

**AN OWNER OR MANAGER OF THE PREMISES OR PLACE MAY NOT KNOWINGLY ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES FROM 1:30 A.M. TO THE TIME WHEN THE LICENSE HOLDER MAY BEGIN DAILY SALES OF ALCOHOLIC BEVERAGES UNDER THE RESPECTIVE LICENSE LISTED IN THIS SECTION.**

**(D) REMOVAL OF CONTAINERS.**

**A LICENSE HOLDER SHALL REMOVE ALL CONTAINERS OF ALCOHOLIC BEVERAGES FROM TABLES ON THE LICENSED PREMISES:**

- (1) ON SUNDAY THROUGH THURSDAY, BEFORE 1:30 A.M.; AND**
- (2) ON FRIDAY AND SATURDAY, BEFORE 2:30 A.M.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(q)(2) and (3).

In subsection (a)(1) of this section, the former references to Class B, Class C, and Class D beer licenses are deleted as obsolete, as these licenses are no longer issued in the County. Similarly, in subsection (a)(1)(ii) of this section,



the former reference to a Class C beer and light wine license is deleted as obsolete.

In subsection (c) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

Also in subsection (c) of this section, the reference to “the time when the license holder may begin daily sales of alcoholic beverages” is substituted for the former reference to “the next succeeding hour authorized by law for sales to begin under the respective licenses listed in subparagraph (i) of this paragraph” for brevity and clarity.

In subsection (d) of this section, the former word “table” is deleted in light of GP § 1–202, which provides that the singular generally includes the plural, and vice versa.

Former Art. 2B, § 11–304(q)(1), which stated that the provisions of former Art. 2B, § 11–304(q) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under subsection (b) of this section, an individual may not consume alcoholic beverages after 1:30 a.m. However, under subsection (d)(2) of this section, a license holder is required to remove all containers of alcoholic beverages from tables on Friday and Saturday before 2:30 a.m.

Defined terms: “Alcoholic beverage” § 1–101  
“License holder” § 1–101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **25–2101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”); AND**
- (3) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4–605 (“NUDITY AND SEXUAL DISPLAYS”); AND**

**(2) § 4–606 (“EFFECTS OF REVOCATION”), WHICH IS SUPERSEDED BY § 25–2102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: “County” § 25–101

“License” § 1–101

“Local licensing board” § 1–101

**25–2102. EFFECTS OF REVOCATION.**

**IF A LICENSE IS REVOKED, THE BOARD MAY ISSUE A LICENSE FOR THE SAME PREMISES TO A PERSON OTHER THAN THE FORMER LICENSE HOLDER IN THE SAME MANNER AS THE BOARD CONSIDERS AN APPLICATION FOR A NEW LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–404(d).

Defined terms: “Board” § 25–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

**SUBTITLE 22. EXPIRATION OF LICENSES.****25–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 25–101

“License” § 1–101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.****25-2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 25-101  
“License holder” § 1-101

**SUBTITLE 24. JUDICIAL REVIEW.****25-2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 25-101

**25-2402. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(e)(4)(ii)9.

The reference to the “circuit court for the County” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 25-101  
“County” § 25-101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.****25-2501. SELLING, SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A LOCATION UNDER THE CONTROL OR POSSESSION OF AN ESTABLISHMENT MAY NOT:**

- (1) SELL OR SERVE ALCOHOLIC BEVERAGES TO A MEMBER OR GUEST;**
- (2) KEEP ALCOHOLIC BEVERAGES FOR A MEMBER OR GUEST;**
- (3) ALLOW A CUSTOMER TO CONSUME OR TO BE SERVED OR GIVEN ALCOHOLIC BEVERAGES FROM THE SUPPLIES THAT THE CUSTOMER HAS PREVIOUSLY PURCHASED OR RESERVED; OR**
- (4) SELL, SERVE, KEEP, OR ALLOW TO BE CONSUMED SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS TO A MEMBER OR GUEST.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–108.

This section is revised as an enumeration of prohibited activities for an unlicensed establishment, rather than as the definition of “bottle club”, for clarity and brevity. In the former law, a “bottle club” was defined as an unlicensed establishment that conducts certain activities. The former law then prohibited a bottle club from conducting those activities.

The former reference to a bottle club used “so as to evade the alcoholic beverage license laws or hours of operation” is deleted in light of the revised structure of this section.

The former references to “giv[ing]” and “dispens[ing]” alcoholic beverages are deleted in light of the references to “serv[ing]” alcoholic beverages.

Defined term: “Alcoholic beverage” § 1–101

**25–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

- (1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**
- (2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

In subsections (a) and (b) of this section, the references to an "establishment" are substituted for the former references to "premises" to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (b) of this section, the former reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: "Alcoholic beverage" § 1-101  
"Person" § 1-101

**SUBTITLE 26. ENFORCEMENT.**

**25-2601. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined term: "County" § 25–101

### **25–2602. ISSUANCE OF CITATIONS.**

**AN INSPECTOR WHO INVESTIGATES A LICENSE VIOLATION MAY ISSUE A CIVIL CITATION AS PROVIDED IN § 10–119 OF THE CRIMINAL LAW ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–408, as it related to inspectors in Montgomery County.

The former reference to license violations "under this article" is deleted as surplusage.

Defined term: "License" § 1–101

### **25–2603. SEARCH WARRANTS AND EVIDENTIARY PROCEDURES.**

#### **(A) IN GENERAL.**

**(1) IF A PERSON IS CHARGED WITH VIOLATING § 25–2708 OF THIS TITLE OR WITH SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO AN INDIVIDUAL WHO IS UNDER THE AGE OF 21 YEARS OR VISIBLY UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, IN VIOLATION OF § 6–304 OR § 6–307 OF THIS ARTICLE, A SEARCH WARRANT TO BE DIRECTED BY THE CHIEF OF POLICE SHALL BE ISSUED FOR THE BUILDING OR VEHICLE IN WHICH THE VIOLATION ALLEGEDLY OCCURRED.**

**(2) A SEARCH WARRANT UNDER THIS SECTION MAY BE ISSUED BY:**

**(i) THE DISTRICT COURT ON REQUEST OF A PERSON WHO CHARGES BEFORE THE DISTRICT COURT THAT A VIOLATION HAS OCCURRED; OR**

**(ii) THE CIRCUIT COURT, ON REQUEST OF A GRAND JURY.**

**(3) IF A VIOLATION IS FOUND, THE CHIEF OF POLICE SHALL KEEP AS EVIDENCE:**

**(i) ALL LIQUOR FOUND IN QUANTITIES AND UNDER CONDITIONS TO INDICATE THAT IT IS KEPT FOR BARTER, SALE, OR GIFT TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS;**

(II) THE MATERIALS AND INSTRUMENTALITIES FOR MANUFACTURING, DISPENSING, TRANSPORTING, OR OTHERWISE DISPOSING OF THE LIQUOR; AND

(III) THE PARAPHERNALIA OF A BARROOM OR SALOON.

(B) CHIEF OF POLICE TO WRITE REPORT.

(1) THE CHIEF OF POLICE SHALL REPORT THE FACTS OF THE VIOLATION IN WRITING TO THE STATE'S ATTORNEY FOR THE COUNTY.

(2) ANY ALCOHOLIC BEVERAGES OR THE MATERIALS AND INSTRUMENTALITIES FOR MANUFACTURING, TRANSPORTING, DISPENSING, OR OTHERWISE DISPOSING OF ALCOHOLIC BEVERAGES OR THE PARAPHERNALIA OF A BARROOM OR SALOON IS PRIMA FACIE EVIDENCE OF THE VIOLATION OF § 25-2708 OF THIS SUBTITLE OR § 6-304, § 6-307, OR § 6-309 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-413(b).

In subsection (a)(1) of this section, the defined term "person" is substituted for the former references to "any person or persons, house, company, association or body corporate" for brevity.

Also in subsection (a)(1) of this section, the reference to "building or vehicle" is substituted for the former references to "house, building or other place or automobile or other vehicle" and "appurtenances" for brevity.

Also in subsection (a)(1) of this section, the requirement that the place or vehicle in which the violation is alleged to have occurred be "specially described" is deleted as unnecessary because such a description is normally required for the issuance of a warrant.

In subsection (a)(2) of this section, the former reference to a "presentment" by the grand jury is deleted as surplusage.

Also in subsection (a)(2) of this section, the former references to "the clerk of the court" are deleted as surplusage.

In the introductory language of subsection (a)(3) of this section, the former requirement that the chief of police "take ... possession and safely" keep as evidence certain items is deleted as surplusage.

In subsection (a)(3)(i) of this section, the reference to "liquor" is substituted for the former reference to "all alcoholic beverages other than beer and light wine," for brevity. Under former Art. 2B, § 4-101(q), light wine in Montgomery

County was defined to include all wine containing up to 22% of alcohol by volume, including naturally fermented or fortified wines.

In subsections (a)(3)(ii) and (b)(2) of this section, the former references to “means” are deleted as included in the references to “materials and instrumentalities”.

In subsections (a)(3)(iii) and (b)(2) of this section, the former references to “part of the paraphernalia” are deleted in light of the reference to the “paraphernalia”.

In subsection (b)(1) of this section, the reference to “the facts of the violation” is added for clarity.

In subsection (b)(2) of this section, the defined term “alcoholic beverage[s]” is substituted for the former reference to “intoxicating liquors” to conform to the terminology used throughout this article.

Also in subsection (b)(2) of this section, the former phrase “as charged or presented” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 25–101

“Person” § 1–101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **25–2701. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**
- (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**
- (3) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**



(4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);

(5) § 6-310 (“PROVIDING FREE FOOD”);

(6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);

(7) § 6-312 (“BEVERAGE MISREPRESENTATION”);

(8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);

(9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);

(10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);

(11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

(12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

(13) § 6-320 (“DISORDERLY INTOXICATION”);

(14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);

(15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(17) § 6-327 (“TAX EVASION”);

(18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(19) § 6-329 (“PERJURY”).

(B) VARIATIONS.

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 25–2702 OF THIS SUBTITLE;**

**(2) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 25–2703 OF THIS SUBTITLE; AND**

**(3) § 6–322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO § 25–2704 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 25–101

“License holder” § 1–101

“Retail dealer” § 1–101

**25–2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6–304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**

**USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

Former Art. 2B, § 12-108(f)(1)(viii), which stated that former Art. 2B, § 12-108(f) applied in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 25-101

"License holder" § 1-101

"State" § 1-101

**25-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

Defined terms: “Board” § 25–101

“License holder” § 1–101

“State” § 1–101

**25–2704. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

**AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6–322(A)(1) OF THIS ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–301(a)(2).

The former definition of “unless authorized” is revised as a substantive statement describing the circumstances under which an individual may possess an alcoholic beverage in an open container for clarity.

Former Art. 2B, § 19–301(a)(1)(v), which stated that former Art. 2B, § 19–301(a)(2) applied in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section does not specify to whom the written consent must be presented.

Defined term: “Alcoholic beverage” § 1–101

**25-2705. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

**(A) “KNOWINGLY” DEFINED.**

IN THIS SECTION, “KNOWINGLY” MEANS THE KNOWLEDGE A REASONABLE INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.

**(B) PROHIBITED.**

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:

**(1) A HABITUAL DRUNKARD;**

**(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

**(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE OF THE INDIVIDUAL’S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND MIND.**

**(C) PENALTY.**

A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-110(a), except as it related to the specific penalty, and, as it related to Montgomery County, (b).

In subsection (a) of this section, the former reference to the definition of knowingly applying “as to habitual drunkards” is deleted as surplusage.

In subsection (b) of this section, the defined term “alcoholic beverage” is substituted for the former references to “intoxicating beverages” for clarity and consistency with the terminology used throughout this article.

In subsection (b) of this section, the former references to “barter” and “furnish” are deleted as included in the references to “sell” and “provide”.

In subsection (b)(2) of this section, the reference to an individual with an “intellectual disability” is substituted for the former reference to a “mentally deficient” person to conform to the requirements of Chapter 119 of the Acts of 2009. Chapter 119 requires the substitution of the term “mentally retarded” in the Code with “intellectual disability”.

In subsection (b)(3) of this section, the reference to a “family member or guardian” is substituted for the former reference to “parent or parents, guardian, husband, wife, son, daughter, brother, or sister” for brevity.

Also in subsection (b)(3) of this section, the reference to “an employee of the license holder” is added for consistency within this subsection.

In subsection (c) of this section, the former references to confinement “in the county jail, or house of correction” and to both fine and imprisonment “in the discretion of the court” are deleted as surplusage and to conform to standard language for imposition of a penalty for a criminal conviction.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the penalty stated in subsection (c) of this section applies only to a license holder who violates this section and not to an employee of a license holder, even though, under subsection (b) of this section, both a license holder and the license holder’s employee are prohibited from selling or providing an alcoholic beverage to a habitual drunkard, an individual with an intellectual disability, or an individual whose relative has given notice. The employee would, presumably, be subject to the general penalty for a violation of this article under § 6–402 of this article.

Defined terms: “Alcoholic beverage” § 1–101  
“License holder” § 1–101

#### **25–2706. GIFT TO BOARD MEMBER OR COUNTY EMPLOYEE PROHIBITED.**

**A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES, AN AGENT OR AN EMPLOYEE OF THE PERSON, AND A LICENSE HOLDER MAY NOT, DIRECTLY OR INDIRECTLY, OFFER OR MAKE A PAYMENT OR GIFT TO:**

- (1) A MEMBER OF THE BOARD;**
- (2) A COUNTY EMPLOYEE; OR**
- (3) ANYONE ON BEHALF OF THE MEMBER OF THE BOARD OR COUNTY EMPLOYEE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(q)(4)(ii).

In the introductory language of this section, the reference to “offer or make a payment or gift” is substituted for the former reference to “offer ... to pay any commission, profit or remuneration or make any gift” for brevity.

Also in the introductory language of this section, the defined term “license holder” is substituted for the former reference to a “licensee licensed under the provisions of this article” for brevity and consistency throughout this article.

Also in the introductory language of this section, the former references to a “corporation” are deleted as included in the defined term “person”.

Also in the introductory language of this section, the former reference to “beer or other” alcoholic beverages is deleted as included in the defined term “alcoholic beverage”.

In items (1) and (3) of this section, the references to a “member of the Board” are substituted for the former references to a “commissioner” to conform to the terminology used throughout this article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 25–101

“County” § 25–101

“License holder” § 1–101

“Person” § 1–101

**25–2707. PHARMACIST OR PHARMACY USING OR DISPENSING ALCOHOLIC BEVERAGES.**

**(A) PROHIBITED.**

**A PHARMACIST OR PHARMACY MAY NOT USE OR DISPENSE ALCOHOLIC BEVERAGES OTHER THAN THOSE PURCHASED FROM THE COUNTY DEPARTMENT OF LIQUOR CONTROL.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–216(b).

In subsection (a) of this section, the references to “pharmacist” and “pharmacy” are substituted for the former references to “druggist” and

“apothecary” to conform to the terminology used throughout other articles of the Annotated Code of Maryland.

Also in subsection (a) of this section, the former reference to a pharmacist or pharmacy “us[ing] or dispens[ing] alcoholic beverages under the provisions of this article” is deleted as surplusage.

Also in subsection (a) of this section, the reference to the County “Department of Liquor Control” is substituted for the former erroneous reference to the “Liquor Control Board” for Montgomery County.

In subsection (b) of this section, the defined term “person” is substituted for the former reference to “person, persons, house, company, association or body corporate” for brevity.

Also in subsection (b) of this section, the former references to a fine “of not less than one hundred dollars (\$100.00) ... and the cost of prosecution” and imprisonment “for not less than three months” are deleted as unenforceable in light of § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character.

Also in subsection (b) of this section, the reference to “imprisonment” is substituted for the former reference to “confine[ment] in the Maryland House of Correction” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the reference to a fine “or” imprisonment is substituted for the former reference to a fine “and” imprisonment for consistency with other revised articles of the Code. No substantive change is intended.

Also in subsection (b) of this section, the former reference to both “fine and imprisonment in the discretion of the court” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Liquor Control Board” § 25–101

“Person” § 1–101

## **25–2708. SMOKE SCREEN DEVICES.**

**IN A VEHICLE IN WHICH ALCOHOLIC BEVERAGES ARE PRESENT, A PERSON MAY NOT HAVE A SMOKE SCREEN OR OTHER DEVICE TO PREVENT THE ARREST OR SEIZURE OF THE VEHICLE OR AN OCCUPANT OF THE VEHICLE, REGARDLESS OF WHETHER THE DEVICE IS PART OF THE VEHICLE.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-413(a).

The reference to "a smoke screen or other device" is substituted for the former reference to a device "of the type commonly known as a smoke screen" for brevity.

The former reference to a device that "[is] attached as" a part of a vehicle is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Person" § 1-101

**25-2709. SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES CONTRARY TO ARTICLE PROHIBITED.**

**(A) IN GENERAL.**

**EXCEPT AS SPECIFICALLY AUTHORIZED OR PROVIDED IN THIS ARTICLE AND EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN A LICENSED ESTABLISHMENT OR OTHER LICENSED PREMISES THAT IS OPEN TO THE PUBLIC:**

**(1) A PERSON MAY NOT SELL OR PROVIDE ALCOHOLIC BEVERAGES;**  
AND

**(2) ALCOHOLIC BEVERAGES MAY NOT BE CONSUMED.**

**(B) EXCEPTION.**

**SUBSECTION (A) OF THIS SECTION DOES NOT APPLY IN THE ROOM OF A REGISTERED GUEST IN A HOTEL THAT MEETS THE MINIMUM REQUIREMENTS UNDER § 6-201(Q) OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-216(c).

In the introductory language of subsection (a) of this section, the reference to a "licensed establishment" is substituted for the former reference to a "restaurant, tavern, hotel, club, place of public entertainment" for brevity.

In subsection (a)(1) of this section, the former references to "give, serve, dispense, keep or allow to be consumed" are deleted as included in the references to "sell" and "provide".

Also in subsection (a)(1) of this section, the former reference to a “corporation, club or organization” is deleted as included in the defined term “person”.

Defined terms: “Alcoholic beverage” § 1-101

“Hotel” § 1-101

“Person” § 1-101

## **SUBTITLE 28. PENALTIES.**

### **25-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 25-101

### **25-2802. PENALTY IMPOSED BY BOARD.**

#### **(A) FINE IN LIEU OF SUSPENSION OR REVOCATION ALLOWED.**

**IN LIEU OF SUSPENDING OR REVOKING A LICENSE FOR ANY CAUSE FOR WHICH LICENSE SUSPENSION OR REVOCATION IS NOT REQUIRED, THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$20,000 FOR EACH CASE, IF:**

**(1) THE BOARD DETERMINES THAT THE PUBLIC WELFARE AND MORALS WOULD NOT BE IMPAIRED BY ALLOWING THE LICENSE HOLDER TO OPERATE DURING THE SUSPENSION PERIOD; AND**

**(2) THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED DISCIPLINARY PURPOSES.**

#### **(B) DISPOSITION OF FINES.**

**FINES COLLECTED UNDER THIS SUBSECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

#### **(C) WRITTEN RESOLUTION REQUIRED.**

**(1) WHEN IMPOSING A FINE ON A LICENSE HOLDER OR SUSPENDING OR REVOKING A LICENSE, THE BOARD SHALL ADOPT A WRITTEN RESOLUTION CONTAINING:**

**(I) A STATEMENT OF THE FACTS AND FINDINGS FORMING THE BASIS FOR THE DECISION;**

**(II) THE VOTE OF EACH MEMBER OF THE BOARD ON THE DECISION; AND**

**(III) INFORMATION AS TO THE PROCEDURES FOR APPEALING THE DECISION.**

**(2) A COPY OF THE RESOLUTION SHALL BE MAILED OR HAND DELIVERED TO THE LICENSE HOLDER.**

**(D) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(q).

In the introductory language of subsections (a) and (c) of this section, former references to “pursuant to ... § 10–401 of this article” are deleted as surplusage.

In the introductory language of subsection (a) of this section, the reference “not required” is substituted for the former reference to “permitted but not required” for brevity.

In subsection (b) of this section, the reference to “[f]ines” is substituted for the former reference to “[a]ll moneys” to conform to the terminology used throughout this article.

In subsection (d) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

Defined terms: “Board” § 25–101

“County” § 25–101

“License” § 1–101

“License holder” § 1–101

**TITLE 26. PRINCE GEORGE'S COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.****26–101. DEFINITIONS.****(A) IN GENERAL.****IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Prince George’s County”.

**(C) COUNTY.**

**“COUNTY” MEANS PRINCE GEORGE’S COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to “Prince George’s County”.

**(D) LIGHT WINE.**

**“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4–101(a) and (r).

The defined term “wine” is substituted for the former reference to “a fermented beverage” to conform to the terminology used throughout this article.

Defined term: "Wine" § 1-101

**(E) TAXPAYER.**

**"TAXPAYER" MEANS A RESIDENT WHO PAYS REAL ESTATE OR INCOME TAX TO THE COUNTY.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 1-102(b)(3), as it related to Prince George's County.

The phrase "to the County" is added for clarity.

Defined term: "County" § 26-101

**26-102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN PRINCE GEORGE'S COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**26-103. KEG REGISTRATION.**

**(A) "IDENTIFICATION NUMBER" DEFINED.**

**IN THIS SECTION, "IDENTIFICATION NUMBER" MEANS THE IDENTIFYING NUMBER:**

**(1) ON THE PURCHASER'S DRIVER'S LICENSE;**

**(2) IF THE PURCHASER IS A RESIDENT OF THE STATE, ON THE PURCHASER'S IDENTIFICATION CARD AS PROVIDED FOR IN THE TRANSPORTATION ARTICLE;**

**(3) IF THE PURCHASER IS NOT A RESIDENT OF THE STATE, ON THE PURCHASER'S IDENTIFICATION CARD THAT IS ISSUED BY THE PURCHASER'S HOME STATE OR JURISDICTION; OR**

**(4) ON A UNITED STATES MILITARY IDENTIFICATION CARD.**

**(B) APPLICATION OF GENERAL PROVISIONS.**

**SECTION 5-303 (“KEG REGISTRATION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO SUBSECTION (C) OF THIS SECTION.**

**(C) REGISTRATION FORM.**

**(1) THE KEG LICENSE HOLDER SHALL COMPLETE A REGISTRATION FORM WITH:**

**(I) THE PURCHASER’S NAME;**

**(II) THE DATE OF PURCHASE; AND**

**(III) THE PURCHASER’S ADDRESS AS SHOWN ON THE IDENTIFICATION PRODUCED OR, IF THE INDIVIDUAL PROVIDES A UNITED STATES MILITARY IDENTIFICATION CARD AS IDENTIFICATION, THE ADDRESS THAT THE PURCHASER PROVIDES.**

**(2) THE PURCHASER SHALL SIGN THE COMPLETED REGISTRATION FORM.**

**(3) THE KEG LICENSE HOLDER SHALL RECORD ON THE COPY OF THE REGISTRATION FORM RETAINED BY THE KEG LICENSE HOLDER THE PURCHASER’S IDENTIFICATION NUMBER AND THE DATE THAT THE PURCHASER’S IDENTIFICATION WAS ISSUED.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 2B, § 21-106(c).

Subsection (b) of this section is new language added to incorporate by reference general provisions relating to keg registration.

Defined terms: “County” § 26-101  
“State” § 1-101

**26-104. MUNICIPAL LICENSE FEE AUTHORIZED.**

**NOTWITHSTANDING § 1-203 OF THIS ARTICLE, A MUNICIPALITY MAY REQUIRE A LICENSE HOLDER FOR A PLACE OF BUSINESS IN THE MUNICIPALITY TO PAY TO THE MUNICIPALITY AN ADDITIONAL ANNUAL LICENSE FEE NOT EXCEEDING 20% OF THE FEE PAYABLE UNDER THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-101(b)(2).

The phrase “[n]otwithstanding § 1–203 of this article,” is added for clarity.

Former Art. 2B, § 8–101(b)(1)(i), which stated that former Art. 2B, § 8–101(b) applied to Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “License” § 1–101  
 “License holder” § 1–101

## **26–105. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 26–101

## **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

### **26–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY.**

REVISOR’S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Prince George’s County exists.

### **26–202. MEMBERSHIP.**

#### **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

##### **(1) THE GOVERNOR SHALL APPOINT FIVE MEMBERS TO THE BOARD.**

**(2) THE APPOINTMENTS SHALL BE MADE:**

**(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR**

**(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.**

**(B) QUALIFICATIONS.**

**(1) (I) FOUR MEMBERS OF THE BOARD SHALL BE, AT THE TIME OF APPOINTMENT, MEMBERS OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING GUBERNATORIAL ELECTION POLLED THE HIGHEST NUMBER OF VOTES IN THE COUNTY FOR GOVERNOR.**

**(II) ONE MEMBER OF THE BOARD SHALL BE, AT THE TIME OF APPOINTMENT, A MEMBER OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING GUBERNATORIAL ELECTION POLLED THE SECOND HIGHEST NUMBER OF VOTES IN THE COUNTY FOR GOVERNOR.**

**(2) (I) BEFORE MAKING AN APPOINTMENT OR FILLING A VACANCY, THE GOVERNOR SHALL REQUEST THE CENTRAL COMMITTEES FOR THE COUNTY REPRESENTING EACH OF THE TWO LEADING POLITICAL PARTIES OF THE STATE TO DESIGNATE AT LEAST FOUR ELIGIBLE CANDIDATES FOR EACH POSITION TO BE FILLED.**

**(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE GOVERNOR SHALL APPOINT ONE OF THE DESIGNATED INDIVIDUALS.**

**(III) IF THE GOVERNOR DECIDES THAT ALL OF THE INDIVIDUALS ARE UNFIT OR INCOMPETENT, THE GOVERNOR:**

- 1. MAY NOT APPOINT ANY OF THE INDIVIDUALS;**
- 2. SHALL FILE A WRITTEN STATEMENT WITH THE SECRETARY OF STATE, SETTING FORTH THE FACTS AND THE GROUNDS FOR THE DECISION AND CALLING ON THE CENTRAL COMMITTEES FOR A NEW LIST OF SIX NAMES FOR EACH POSITION TO BE FILLED; AND**
- 3. SHALL MAKE THE APPOINTMENTS FROM THE NEW LIST AND THE ORIGINAL LIST.**



**(3) A MEMBER SHALL BE:**

**(I) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(II) A PERSON OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(C) RESTRICTIONS — IN GENERAL.**

**(1) IN THIS SUBSECTION, “DIRECT OR INDIRECT INTEREST” MEANS AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN, OR IN ANY OTHER MANNER.**

**(2) A MEMBER OF THE BOARD MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A PREMISES IN THE STATE WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD;**

**(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES IN THE STATE;**

**(III) OWN STOCK IN:**

**1. A CORPORATION THAT HAS A DIRECT OR INDIRECT INTEREST IN A PREMISES IN THE STATE WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD; OR**

**2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES IN THE STATE; OR**

**(IV) SOLICIT OR RECEIVE A COMMISSION, REMUNERATION, OR GIFT FROM:**

**1. A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR**

**2. A LICENSE HOLDER.**

**(D) RESTRICTIONS — POLITICAL CONTRIBUTIONS.**

(1) IN THIS SUBSECTION, “CANDIDATE”, “CONTRIBUTION”, AND “POLITICAL COMMITTEE” HAVE THE MEANINGS STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.

(2) A MEMBER OF THE BOARD MAY NOT SOLICIT OR TRANSMIT A CONTRIBUTION FOR THE BENEFIT OF A CANDIDATE OR POLITICAL COMMITTEE FROM:

(I) A PERSON ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES IN THE COUNTY OR AN AGENT OR EMPLOYEE OF THE PERSON; OR

(II) A LICENSE HOLDER.

(E) TENURE.

(1) THE TERM OF A MEMBER IS 3 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.

(F) VACANCIES.

(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(G) REMOVAL.

(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.

(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS’ NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.

(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR’S FINDINGS ON THE CHARGES.

**(H) RESIGNATION.**

**(1) IF A MEMBER OF THE BOARD STOPS RESIDING IN OR BEING A REGISTERED VOTER OF THE COUNTY, THE MEMBER SHALL IMMEDIATELY FORFEIT THE OFFICE AS A LICENSE COMMISSIONER FOR THE COUNTY.**

**(2) (I) A MEMBER OF THE BOARD MAY NOT SERVE IN ANY OTHER POSITION OF PUBLIC OFFICE.**

**(II) ON FILING A CERTIFICATE OF CANDIDACY FOR ELECTION TO A PUBLIC OFFICE OR WITHIN 30 DAYS BEFORE THE FILING DEADLINE FOR THE PRIMARY ELECTION FOR THE PUBLIC OFFICE SOUGHT, WHICHEVER OCCURS LATER, A MEMBER OF THE BOARD SHALL CERTIFY TO THE COUNTY BOARD OF ELECTIONS UNDER OATH THAT THE INDIVIDUAL IS NO LONGER A MEMBER OF THE BOARD.**

**(III) THE CERTIFICATION SHALL BE ACCOMPANIED BY A LETTER ADDRESSED TO THE GOVERNOR CONTAINING THE RESIGNATION OF THE MEMBER FROM THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(3), (4), and as it related to members of the Board, (1) and (r)(2) through (4), 15–110(a), and 15–112(r)(8), (9), and (10)(i) and, as they related to members of the Board, (4), (7), and (10)(ii).

In subsections (a) and (b) of this section, the references to “member[s]” are substituted for the former references to “Commissioner[s]” to conform to the terminology used throughout this title.

In subsection (a)(2)(i) of this section, the former reference to “by and” with the advice and consent of the Senate is deleted as surplusage.

In subsection (b)(1) of this section, the references that appointees be a member of a party “at the time of appointment” are added for clarity.

Also in subsection (b)(1) of this section, the references to the last “preceding” gubernatorial election are added for clarity and consistency with other similar provisions of this article.

Also in subsection (b)(1) of this section, the references to “poll[ing]” a certain number of votes is substituted for the former reference to “obtaining” votes for consistency with other similar provisions of this article.

Also in subsection (b)(1) of this section, the former redundant reference prohibiting more than four Board members from belonging to the same

political party is deleted as included in the provisions requiring that four members be appointed from one party and one member from another party.

In subsection (b)(1)(i) of this section, the former reference to the gubernatorial “general” election is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the reference to the “second” highest number of votes is substituted for the former reference to the “next” highest number for clarity.

In subsection (b)(2)(ii) and (iii)1 of this section, the references to “individuals” are substituted for the former references to “persons” because only a human being and not the other entities included in the definition of “person” can be appointed to the Board.

In the introductory language of subsection (b)(2)(iii) of this section, the reference to the Governor’s “deci[sion]” is substituted for the former reference to the Governor’s “judgment” for clarity.

In subsection (b)(2)(iii)2 and 3 of this section, the references to a “new” list are substituted for the former references to “another” list and “which” list for clarity.

In subsection (b)(2)(iii)2 of this section, the reference to the “central committees” is substituted for the former reference to “committees for Prince George’s County” for clarity and brevity.

In the introductory language of subsections (c)(2) and (d)(2) of this section, the references to a “member” of the Board are substituted for the former references to a “commissioner” of the Board to conform to the terminology used throughout this article.

In subsection (c)(2)(iv) of this section, the former reference to any gift “whatsoever” is deleted as surplusage.

In subsections (c)(2)(iv)1 and (d)(2)(i) of this section, the former references to “beer or other” alcoholic beverages are deleted as included in the defined term “alcoholic beverage[s]”.

Also in subsections (c)(2)(iv)1 and (d)(2)(i) of this section, the former references to “corporation” are deleted as included in the defined term “person”.

In subsection (c)(2)(iv)2 of this section, the defined term “license holder” is substituted for the former reference to “any licensee, licensed under the provisions of this article” for brevity. Similarly, in subsection (d)(2)(ii) of this section, the defined term “license holder” is substituted for the former reference to a “[l]icensee licensed under the provisions of this article”.

In subsection (e)(2) of this section, the date of “July 1, 2016” is substituted for the former obsolete date of “July 1, 1985”. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Prince George’s County.

In subsection (f)(2) of this section, the clause “until a successor is appointed and qualifies” is standard language added to avoid gaps in membership by indicating that a member serves until a successor takes office. This addition is supported by the cases of *Benson v. Mellor*, 152 Md. 481 (1927), and *Grooms v. LaVale Zoning Board*, 27 Md. App. 266 (1975).

In subsection (g)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (g)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

In subsection (h) of this section, the references to a “member of the Board” are substituted for the former references to a “commissioner” to conform to the terminology used throughout this title.

In subsection (h)(2)(ii) of this section, the former reference to the Board “of Supervisors” of Elections is deleted as obsolete.

Former Art. 2B, § 15–101(r)(1), which stated that former Art. 2B, § 15–101(r) applied in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“County” § 26–101

“License holder” § 1–101

“Person” § 1–101

“State” § 1–101

## **26–203. CHAIR.**

**IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(a)(2).

The defined term “Board” is substituted for the former reference to “Baltimore City and each of the counties” because this section applies only to the Board

of License Commissioners for Prince George’s County. Correspondingly, the former phrase “of the respective boards” is deleted.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in fact, the Board elects its own chair. The General Assembly may wish to change the revision to reflect current practice.

Defined term: “Board” § 26–101

#### **26–204. MEETINGS; COMPENSATION.**

##### **(A) MEETINGS.**

**THE BOARD SHALL MEET AT LEAST TWICE EACH MONTH.**

##### **(B) COMPENSATION.**

**(1) (I) THE CHAIR OF THE BOARD SHALL RECEIVE A SALARY OF \$22,000 ANNUALLY.**

**(II) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE A SALARY OF \$20,000 ANNUALLY.**

**(2) THE CHAIR AND EACH OTHER MEMBER OF THE BOARD ARE ELIGIBLE FOR:**

**(I) ALL COUNTY HEALTH BENEFITS; AND**

**(II) MEMBERSHIP IN AND RETIREMENT BENEFITS OF THE STATE RETIREMENT AND PENSION SYSTEM.**

**(3) THE HEALTH BENEFITS UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION INCLUDE HOSPITALIZATION, VISION CARE, PRESCRIPTIONS, DENTAL CARE, LIFE INSURANCE, AND EXPENSE REIMBURSEMENT.**

**(4) THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY NOT ADOPT THROUGH PUBLIC LOCAL LAW A POLICY CONTRARY TO PARAGRAPH (2) OF THIS SUBSECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–109(r)(2), (3), and (7)(ii) and, as they related to the members of the Board, (i) and (iv).

In subsection (b)(1)(i) of this section, the reference to the “chair” is substituted for the former reference to the “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (b)(2) of this section, the reference to “[t]he chair and each other member” of the Board is substituted for the former reference to “[m]embers” of the Board for clarity.

In subsection (b)(2)(ii) of this section, the reference to the State Retirement and Pension System is substituted for the obsolete reference to the State Employees' Pension System.

Defined terms: “Board” § 26–101  
 “County” § 26–101

## **26–205. STAFF; BUDGET.**

### **(A) STAFF.**

**SUBJECT TO THIS SECTION AND § 26–206 OF THIS SUBTITLE, THE BOARD MAY:**

#### **(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

#### **(2) SET THE COMPENSATION OF THE EMPLOYEES.**

### **(B) ADMINISTRATOR.**

**(1) THE BOARD SHALL APPOINT AN ADMINISTRATOR.**

**(2) THE ADMINISTRATOR SHALL SERVE AT THE WILL OF THE BOARD AND DEVOTE FULL TIME TO THE DUTIES OF THE BOARD.**

**(3) THE ADMINISTRATOR MAY RECEIVE A SALARY OF \$40,705 ANNUALLY AS DETERMINED BY THE BOARD AFTER A PERFORMANCE EVALUATION.**

(4) (I) THE ADMINISTRATOR IS ELIGIBLE TO PARTICIPATE IN THE COUNTY'S SUPPLEMENTAL RETIREMENT PLAN.

(II) THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY NOT ADOPT THROUGH PUBLIC LOCAL LAW A POLICY CONTRARY TO SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(C) ATTORNEY.

(1) THE BOARD SHALL APPOINT AN ATTORNEY WHO SHALL SERVE AT THE WILL OF THE BOARD.

(2) THE COUNTY COUNCIL SHALL PAY THE ATTORNEY:

(I) A SALARY OF \$18,500 ANNUALLY;

(II) ALL COURT COSTS AND EXPENSES INCURRED WHILE PERFORMING THE DUTIES OF ATTORNEY; AND

(III) LEGAL FEES THAT THE BOARD APPROVES FOR REPRESENTING THE BOARD IN COURT.

(3) THE BOARD SHALL ESTABLISH THE FEE RATE FOR REPRESENTING THE BOARD IN COURT.

(4) THE ATTORNEY IS ELIGIBLE FOR:

(I) ALL COUNTY HEALTH BENEFITS, INCLUDING HOSPITALIZATION, VISION CARE, PRESCRIPTIONS, DENTAL CARE, LIFE INSURANCE, AND EXPENSE REIMBURSEMENT; AND

(II) MEMBERSHIP IN AND RETIREMENT BENEFITS OF THE STATE RETIREMENT AND PENSION SYSTEM.

(5) THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY NOT ADOPT THROUGH PUBLIC LOCAL LAW A POLICY CONTRARY TO PARAGRAPH (4) OF THIS SUBSECTION.

(D) RESTRICTIONS ON EMPLOYEES.

(1) THE RESTRICTIONS UNDER § 26-202(C) AND (D) OF THIS SUBTITLE REGARDING DIRECT AND INDIRECT INTERESTS OF MEMBERS OF THE BOARD IN ALCOHOLIC BEVERAGES ACTIVITIES AND SOLICITING OR TRANSMITTING



**POLITICAL CONTRIBUTIONS FOR THE BENEFIT OF A CANDIDATE OR POLITICAL COMMITTEE APPLY TO EMPLOYEES OF THE BOARD.**

**(2) AN EMPLOYEE OF THE BOARD:**

**(I) SHALL DEVOTE FULL TIME TO THE BUSINESS OF THE BOARD DURING THE HOURS DESIGNATED BY THE BOARD FOR THE PERFORMANCE OF THE EMPLOYEE'S OFFICIAL DUTIES;**

**(II) MAY NOT ENGAGE IN AN OCCUPATION, BUSINESS, OR PROFESSION CONNECTED TO OR ASSOCIATED WITH THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; AND**

**(III) MAY NOT TRANSACT BUSINESS BEYOND THE EMPLOYEE'S OFFICIAL DUTIES:**

**1. WITH A LICENSE HOLDER; OR**

**2. IN CONNECTION WITH THE OPERATION OF AN ESTABLISHMENT LICENSED FOR THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES.**

**(3) AN EMPLOYEE OF THE BOARD WHO VIOLATES THIS SECTION SHALL BE REMOVED.**

**(E) BUDGET.**

**(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON THE SUBMISSION BY THE BOARD OF AN ANNUAL BUDGET, THE COUNTY COUNCIL SHALL PAY FOR ALL EXPENSES OF THE BOARD.**

**(2) IN THE BUDGET, THE SALARIES OF THE MEMBERS AND THE ATTORNEY FOR THE BOARD AND ANY ADDITIONAL COMPENSATION FOR LEGAL FEES FOR THE ATTORNEY SHALL BE APPROVED AS SET FORTH UNDER SUBSECTION (C) OF THIS SECTION AND § 26-204 OF THIS SUBTITLE.**

**(3) EXCEPT AS PROVIDED IN § 26-206(G) OF THIS SUBTITLE, PAYMENTS FOR ALL OTHER EXPENSES SHALL BE AT THE DISCRETION OF THE COUNTY COUNCIL, INCLUDING:**

**(I) THE SALARY OF THE ADMINISTRATOR UNDER SUBSECTION (B)(3) OF THIS SECTION;**

**(II) COMPENSATION OF OTHER PERSONNEL, WHO SHALL BE QUALIFIED AND EMPLOYED UNDER THE COUNTY MERIT SYSTEM;**

**(III) PRINTING;**

**(IV) SUPPLIES; AND**

**(V) OFFICE SPACE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(r)(4), (5), (6), and (7)(ii), (iii), and (iv) and 15–112(a)(2) and (r)(5), (6), and (10)(i) and, as it related to the Board attorney, 15–109(r)(7)(i), as it related to the Board administrator and attorney, 15–112(r)(2), and, as they related to a Board employee, 15–112(r)(4), (7), and (10)(ii).

In subsection (a)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

In subsections (b)(2) and (d)(2)(i) of this section, the former references to “attention” are deleted in light of the references to “full time”.

In subsection (c)(2)(ii) of this section, the reference to costs and expenses incurred “while performing the duties” is substituted for the former reference to costs and expenses incurred “therein” for clarity.

In subsection (c)(5) of this section, the former reference to County “personnel law” is deleted as included in the reference to County “public local law[s]”.

In subsection (d)(1) of this section, the cross-reference to “§ 26–202(c) and (d) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverage activities and soliciting or transmitting political contributions for the benefit of a candidate or political committee” is substituted for the provisions in former Art. 2B, § 15–112(r)(4), (7), and (10) applying to employees for brevity.

In subsection (d)(2)(i) and (iii) of this section, the reference to “the employee’s” is substituted for the former reference to “their” for clarity.

In subsection (d)(2)(ii) of this section, the former phrase “in any way” is deleted as surplusage.

In subsection (d)(2)(iii) of this section, the former reference to business “of any kind whatsoever” is deleted as surplusage.

In subsection (e)(2) of this section, the cross-reference to “subsection (c) of this section and § 26–204 of this subtitle” is substituted for the former reference to “as hereinbefore” set forth for clarity. Similarly, in subsection (e)(3)(i) of this section, the cross-reference to “subsection (b)(3) of this section” is substituted for the former reference to “as limited herein”.

In the introductory language of subsection (e)(3) of this section, the former phrase “but not restricted to”, which formerly modified “including”, is deleted in light of GP § 1–110, which provides that the term “including” is used “by way of illustration and not by way of limitation”.

Former Art. 2B, § 15–109(r)(1), which provided that former Art. 2B, § 15–109(r) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (b)(3) of this section establishing the annual salary for the Board administrator “as determined by the Board” is ambiguous. The General Assembly may wish to clarify this provision of law, perhaps by explicitly stating a maximum annual salary for the Board administrator.

Defined terms: “Alcoholic beverage” § 1–101  
 “Board” § 26–101  
 “County” § 26–101  
 “License holder” § 1–101

## **26–206. INSPECTORS.**

### **(A) APPOINTMENT.**

**THE BOARD SHALL APPOINT ALL OF ITS INSPECTORS.**

### **(B) POWERS.**

**AN INSPECTOR:**

**(1) HAS ALL THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE;**

**(2) MAY ISSUE A CIVIL CITATION UNDER § 26–2603 OF THIS TITLE;**  
**AND**

**(3) HAS THE AUTHORITY TO ORDER THAT AN UNLICENSED ESTABLISHMENT BE CLOSED IMMEDIATELY UNDER § 26–2501 OF THIS TITLE.**

**(C) DUTIES.**

**AN INSPECTOR SHALL:**

**(1) VISIT AND INSPECT PERIODICALLY EVERY LICENSED PREMISES;  
AND**

**(2) CARRY OUT OTHER DUTIES THAT THE BOARD REQUIRES.**

**(D) RESTRICTIONS.**

**INSPECTORS ARE SUBJECT TO THE RESTRICTIONS UNDER:**

**(1) § 26–202(C) AND (D) OF THIS SUBTITLE REGARDING DIRECT AND INDIRECT INTERESTS OF MEMBERS OF THE BOARD IN ALCOHOLIC BEVERAGES ACTIVITIES AND SOLICITING OR TRANSMITTING POLITICAL CONTRIBUTIONS FOR THE BENEFIT OF A CANDIDATE OR POLITICAL COMMITTEE; AND**

**(2) § 26–205(D) OF THIS SUBTITLE REQUIRING AN EMPLOYEE TO DEVOTE FULL TIME TO THE BUSINESS OF THE BOARD, PROHIBITING CERTAIN ACTIVITIES, AND REQUIRING REMOVAL FOR VIOLATION OF THOSE REQUIREMENTS AND PROHIBITIONS.**

**(E) OATH.**

**AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.**

**(F) NUMBER OF INSPECTORS.**

**(1) THERE ARE THREE FULL–TIME INSPECTORS AND 24 PART–TIME INSPECTORS OF THE BOARD.**

**(2) TO BE A FULL–TIME OR PART–TIME INSPECTOR, AN INDIVIDUAL SHALL BE A RESIDENT OF THE COUNTY.**

**(3) (I) FROM THE FULL–TIME INSPECTORS, THE BOARD SHALL DESIGNATE ANNUALLY A CHIEF INSPECTOR AND TWO DEPUTY CHIEF INSPECTORS.**

**(II) UNDER THE DIRECTION OF THE BOARD, THE CHIEF INSPECTOR SHALL REGULATE THE DUTIES, HOURS, AND ASSIGNMENTS OF THE INSPECTORS.**

**(4) THE FULL-TIME INSPECTORS WHO ARE CERTIFIED BY THE PERSONNEL DIRECTOR AS MEETING THE STANDARDS THAT THE COUNTY MERIT BOARD SETS OUT ARE INCLUDED IN THE COUNTY MERIT SYSTEM.**

**(G) SALARY.**

**A PART-TIME INSPECTOR SHALL RECEIVE A SALARY OF \$13,900 ANNUALLY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-112(r)(3), (5), (6), and (10)(i) and, as they related to inspectors, (2), (4), (7), and (10)(ii).

In subsection (a) of this section, the former requirement that the inspectors “[b]e known as ‘alcoholic beverages inspectors for Prince George’s County’” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the powers “arising out of or relating to the enforcement of this article” is added for clarity.

Also in subsection (b)(1) of this section, the former reference to a “constable” is deleted as unnecessary in light of the reference to a “peace officer”.

In subsection (b)(2) of this section, the cross-reference to “§ 26-2603 of this title” is added for clarity.

In subsection (b)(3) of this section, the reference to “an unlicensed establishment” is substituted for the former reference to “a bottle club” to conform to the terminology used throughout this title.

In subsection (d)(1) of this section, the cross-reference to “§ 26-202(c) and (d) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities and soliciting or transmitting political contributions for the benefit of a candidate or political committee” is substituted for the provisions in former Art. 2B, § 15-112(r)(4), (7), and (10) applying to inspectors for brevity. Similarly, in subsection (d)(2) of this section, the cross-reference to “§ 26-205(d) of this subtitle requiring an employee to devote full time to the business of the Board, prohibiting certain activities, and requiring removal for violation of those requirements and prohibitions” is substituted for the provisions of former Art. 2B, § 15-112(r)(5) and (6).

In subsection (e) of this section, the reference to the requirement to “take the oath required by Article I, § 9 of the Maryland Constitution” is substituted for the former reference to the requirement to “[m]ake oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Maryland Constitution” for brevity.

In subsection (f)(4) of this section, the reference to inspectors being “included in” the County merit system is substituted for the former reference to being “entitled to the provisions of” the County merit system for clarity.

Former Art. 2B, § 15–112(r)(1), which provided that former Art. 2B, § 15–112(r) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“County” § 26–101

“State” § 1–101

## **26–207. DISPOSITION OF LICENSE FEES.**

### **(A) IN GENERAL.**

**THE DIRECTOR OF FINANCE SHALL COLLECT FEES FOR THE COUNTY EXECUTIVE AND COUNTY COUNCIL.**

### **(B) COLLECTION AND USE OF FEES.**

**THE COUNTY EXECUTIVE AND COUNTY COUNCIL SHALL:**

#### **(1) USE THE FEES COLLECTED TO PAY:**

**(I) REFUNDS ISSUED IN ACCORDANCE WITH § 26–1410 OF THIS TITLE; AND**

**(II) THE SALARIES AND EXPENSES OF THE BOARD; AND**

**(2) CREDIT THE BALANCE OF THE FEES COLLECTED TO THE GENERAL FUND OF THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(a)(2) and (r).

Defined terms: “Board” § 26–101

“County” § 26–101

## **26–208. REGULATIONS.**

**IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE IN THIS ARTICLE, THE BOARD MAY ADOPT REGULATIONS:**

**(1) REGARDING THE PRESENCE OF ANY INDIVIDUAL UNDER THE AGE OF 21 YEARS ON A PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES;**

**(2) REGARDING LICENSED PREMISES AND THE CONDUCT OF BUSINESS BY LICENSE HOLDERS AND THEIR EMPLOYEES IN RELATION TO THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES;**

**(3) TO REQUIRE THE MAINTENANCE OF RECORDS ON THE LICENSED PREMISES BY THE LICENSE HOLDER CONTAINING THE NAMES, ADDRESSES AND AGES OF ALL INDIVIDUALS EMPLOYED BY THE LICENSE HOLDER ON THE PREMISES; AND**

**(4) TO MAINTAIN STANDARDS FOR SANITATION AND HEALTH, INCLUDING PROVISIONS FOR:**

**(I) ADEQUATE AND SANITARY FACILITIES FOR CONSUMPTION OF ALCOHOLIC BEVERAGES;**

**(II) SAFE WATER AND PLUMBING FACILITIES;**

**(III) PROPER UTENSIL CLEANING AND STORAGE;**

**(IV) REFUSE DISPOSAL AND RODENT CONTROL; AND**

**(V) THE PREPARATION AND SERVICE OF MEALS OR OTHER FOOD WITH ALCOHOLIC BEVERAGES; AND**

**(5) TO OTHERWISE CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–217(a)(2) and, as it related to the authority of the Board to adopt regulations, 16–301(a).

In the introductory language of this section, the defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Prince George’s County.

Also in the introductory language of this section, the former reference to “duties” is deleted as surplusage, as this section lists only regulations that the Board may elect but are not required to adopt.

Also in the introductory language of this section, the former reference to “rules” is deleted as unnecessary in light of the reference to “regulations”.

Also in the introductory language of this section, the former language “as they deem necessary” is deleted as surplusage.

Also in the introductory language of this section, the phrase “may adopt” is substituted for the former language “in addition to or in lieu of the provisions stated in this section the Board shall prescribe and have the power to enforce such rules and regulations as it may adopt” for brevity.

In item (1) of this section, the reference to “individual” is substituted for the former reference to “person” because this section concerns only human beings. Similarly, in item (3) of this section, the reference to “individuals” is substituted for the former reference to “persons”.

In item (4) of this section, the former language “such other regulations as may be deemed necessary for” is deleted as surplusage.

In item (5) of this section, the reference to the Board “adopt[ing] regulations to otherwise carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by this article for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“License holder” § 1–101

### **SUBTITLE 3. LIQUOR CONTROL.**

#### **26–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of control in the County.

Defined term: “County” § 26–101

### **SUBTITLE 4. MANUFACTURER’S LICENSES.**

#### **26–401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**



THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);
- (7) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”);
- (8) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);
- (9) § 2–211 (“RESIDENCY REQUIREMENT”);
- (10) § 2–212 (“ADDITIONAL LICENSES”);
- (11) § 2–213 (“ADDITIONAL FEES”);
- (12) § 2–214 (“SALE OR DELIVERY RESTRICTED”);
- (13) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (14) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (15) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTION.

SECTION 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”), SUBJECT TO § 26–403 OF THIS SUBTITLE; AND**

**(2) § 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”), SUBJECT TO § 26–405 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Defined terms: “County” § 26–101  
“Manufacturer’s license” § 1–101

**26–402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(b)(12).

Defined terms: “Alcoholic beverage” § 1–101  
“Manufacturer’s license” § 1–101

**26–403. CLASS 7 MICRO–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO–BREWERY LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF:**

**(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE COUNTY; AND**

**(2) A CLASS D ALCOHOLIC BEVERAGES LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF THE EXISTING CLASS D LICENSE LOCATED IN THE 22ND ALCOHOLIC BEVERAGES DISTRICT OF THE COUNTY.**

**(c) HOURS AND DAYS OF SALE.**

**IN THE 22ND ALCOHOLIC BEVERAGES DISTRICT OF THE COUNTY ONLY, FOR A HOLDER OF A CLASS D LICENSE THE HOURS AND DAYS FOR RETAIL SALES UNDER THE CLASS 7 MICRO-BREWERY LICENSE ARE THOSE ESTABLISHED FOR A CLASS D LICENSE IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-208(a), (b)(2)(xvii) and (3)(i) and (iii)1, and (f)(2).

Defined terms: "Beer" § 1-101  
 "County" § 26-101  
 "License" § 1-101  
 "On-sale" § 1-101  
 "Restaurant" § 1-101  
 "Wine" § 1-101

**26-404. CLASS B-MB/22 LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-MB/22 LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED ONLY TO A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE IN THE 22ND LEGISLATIVE DISTRICT.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO SELL LIQUOR BY THE DRINK FOR ON-PREMISES CONSUMPTION.**

**(D) ADDITIONAL LICENSE AUTHORIZED.**

**A LICENSE HOLDER MAY ALSO HOLD A CLASS D LICENSE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,090.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(14).

In subsection (a) of this section, the reference to a license “in the County” is added for consistency within this subtitle.

Defined term: “County” § 26–101

**26–405. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

**(A) CONSTRUCTION OF SECTION.**

**(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER.**

**(2) FOR PURPOSES OF CONSTRUING § 2–215 OF THIS ARTICLE:**

**(I) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH; AND**

**(II) A CHECK THAT IS GIVEN IN PAYMENT FOR ALCOHOLIC BEVERAGES TO A HOLDER OF THE LICENSE, AND IS RETURNED UNCOLLECTED, IS PRIMA FACIE EVIDENCE IN A CIVIL CASE OF A VIOLATION OF THIS SECTION OR § 2–215 OF THIS ARTICLE.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–217(c), (d), (e), and, as it related to a license holder, (f).

In subsection (a)(2) of this section, the former phrase “in addition to currency” is deleted as surplusage.

In subsection (b) of this section, the reference to a “person” is substituted for the former reference to a “manufacturer” for consistency with other similar provisions of the Code.

Former Art. 2B, § 12–217(a) is deleted as unnecessary in light of the revised structure of this article.

Former Art. 2B, § 12–217(b), which prohibited the sale of alcoholic beverages at retail except for cash, is deleted as obsolete.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (a)(2)(ii) of this section states that a check that is given in payment for “alcoholic beverages” to a license holder and is returned uncollected is prima facie evidence in a civil case of a violation of this section “or § 2–215 of this article”. Section 2–215, however, concerns the sale only of beer and not of any other type of alcoholic beverage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Person” § 1–101

#### **SUBTITLE 5. WHOLESALER’S LICENSES.**

#### **26–501. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);**
- (2) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);**
- (3) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);**
- (4) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**
- (5) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**

- (6) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);
- (7) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);
- (8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);
- (9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);
- (10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- (12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);
- (15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

**(B) VARIATION.**

**SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26-504 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 26-101  
“Wholesaler’s license” § 1-101

**26-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 26-503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**

**HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(a).

Defined terms: "Alcoholic beverage" § 1-101  
 "Wholesaler's license" § 1-101

**26-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

**(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

**A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.**

**(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

**THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-102(b) and 11-517(h).

In subsection (a) of this section, the reference to a "per diem" license is substituted for the former reference to a "special 1-day" license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued "under Subtitle 13 of this title" is substituted for the former reference to a license issued "pursuant to § 7-101 of this article" to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the "effective date of the per diem license" is substituted for the former reference to delivery on the "effective day of the license" for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day "of delivery" is deleted as surplusage.

In subsection (b) of this section, the language that the "agreement entered into under subsection (a) of this section shall include [the type of equipment to

dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101  
“Wholesaler’s license” § 1–101

**26–504. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

**(A) CONSTRUCTION OF SECTION.**

**FOR PURPOSES OF APPLYING § 2–314 OF THIS ARTICLE:**

**(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER;**

**(2) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION BY THE LICENSE HOLDER IS CONSIDERED CASH; AND**

**(3) A CHECK THAT IS GIVEN IN PAYMENT FOR BEER TO A LICENSE HOLDER AND IS RETURNED UNCOLLECTED, IS PRIMA FACIE EVIDENCE OF A VIOLATION BY THE WHOLESALER OF § 2–314 OF THIS ARTICLE.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–217(c), (d), and, as it related to a holder of a wholesaler’s license, (f).

In subsection (a)(1) of this section, the phrase “of beer” is added for clarity.

In subsection (a)(2) of this section, the former phrase “in addition to currency” is deleted as surplusage.

In subsection (a)(3) of this section, the phrase “by the wholesaler” is added for clarity.

Also in subsection (a)(3) of this section, the former phrase “in any civil case” is deleted because a proceeding relating to a violation of § 2–314 of this article is an administrative action rather than a civil case.



In subsection (b) of this section, the reference to a “person” is substituted for the former reference to a “wholesaler” for consistency with other similar provisions of the Code.

Defined terms: “Beer” § 1–101

“Person” § 1–101

“License holder” § 1–101

### **SUBTITLE 6. BEER LICENSES.**

#### **26–601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$245.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(r) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1–101  
“Consumer” § 1–101

**26–602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT ON THE PREMISES DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

**(2) A LICENSE HOLDER WHO HELD THIS CLASS OF LICENSE BEFORE JULY 1, 1975, AND WHO HAS BEEN SELLING BEER FOR OFF–PREMISES CONSUMPTION MAY CONTINUE TO DO SO.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$365.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(r) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the reference to “on–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” in accordance with the rule followed in this revision, that a provision of this article that is applicable to a specific jurisdiction prevails over an inconsistent general provision.

Also in subsection (b)(1) of this section, the former reference to the prohibition that “the Board of License Commissioners for Prince George’s County may not issue” a license with other than on-sale privileges is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to “exercising the privilege of” selling beer is deleted as surplusage.

Defined terms: “Beer” § 1-101

“Hotel” § 1-101

“Restaurant” § 1-101

### **26-603. CLASS C BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$245.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(r) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1-101

“Club” § 1-101

### **26-604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$365.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(r) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on- and off-premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined term: “Beer” § 1-101

**SUBTITLE 7. LIGHT WINE LICENSES.**

**26-701. CLASS A LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**(1) THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(2) A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE THAT APPLIES FOR A CLASS A LIGHT WINE LICENSE IS EXEMPT FROM ANY QUOTA ESTABLISHED BY THE BOARD CONCERNING THE NUMBER OF LICENSES IN THE ELECTION DISTRICT WHERE THE WINERY IS LOCATED.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE WINERY.**

**(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(14), (b)(1), (c)(1) and (4), and (d)(1).

In subsection (b)(1) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b)(1) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “Board” § 26–101

“County” § 26–101

“License” § 1–101

“Light wine” § 26–101

**SUBTITLE 8. BEER AND LIGHT WINE LICENSES.****26–801. CLASS A BEER AND LIGHT WINE LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$245.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(r) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling beer and light wine “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101

“Light wine” § 26–101

**26–802. CLASS B BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

**(2) A HOLDER OF THE LICENSE WHO HAS SOLD BEER AND LIGHT WINE SINCE BEFORE JULY 1, 1975, FOR BOTH ON– AND OFF–PREMISES CONSUMPTION MAY CONTINUE TO DO SO.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$365.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(a)(1) and (r)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(2) of this section, the reference to a “holder of the license who has sold beer and light wine since before July 1, 1975, for both on– and off–premises consumption” is substituted for the former phrase “licensees holding this class of license prior to July 1, 1975, who have been exercising the privilege of selling alcoholic beverages for consumption off the licensed premises” for brevity and to state expressly what was only implicit in the former law, that license holders before July 1, 1975, were allowed to sell beer and light wine for both on–sale as well as off–sale consumption.

Also in subsection (b)(2) of this section, the phrase “may continue to do so” is substituted for the former phrase “may continue to exercise this privilege” for clarity.

Former Art. 2B, § 5–201(r)(1), which stated that former Art. 2B, § 5–201(r) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
“Hotel” § 1–101  
“Light wine” § 26–101  
“Restaurant” § 1–101

**26–803. CLASS C BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$245.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(r) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Club” § 1–101  
“Light wine” § 26–101

**26–804. CLASS D BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**



**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$365.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(a)(1) and (r)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Defined terms: "Beer" § 1-101  
"Light wine" § 26-101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**26-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$910.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(r) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the references to “beer, wine, [or] liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

Also in subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” for clarity.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**26–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(I) IS LOCATED IN A PERMANENT BUILDING WITH SUFFICIENT SPACE AND ACCOMMODATIONS FOR PREPARING, SERVING, AND SELLING HOT MEALS TO THE PUBLIC DURING THE RESTAURANT’S HOURS OF OPERATION;**

**(II) HAS THE MINIMUM SANITARY FACILITIES REQUIRED BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

**(III) MEETS THE MINIMUM HEALTH REQUIREMENTS ADOPTED BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

**(IV) HAS A DINING AREA WITH SUFFICIENT TABLES, CHAIRS, OR BOOTHS TO COMFORTABLY SEAT AND ACCOMMODATE THE PUBLIC;**

**(V) HAS A KITCHEN THAT HAS COMPLETE FACILITIES AND UTENSILS FOR PREPARING HOT AND COLD MEALS FOR THE PUBLIC;**

**(VI) EMPLOYS A SUFFICIENT NUMBER OF COOKS AND WAIT STAFF TO SERVE THE PUBLIC USING THE DINING AREA;**

**(VII) MAINTAINS AND DISPLAYS A MENU THAT ADVERTISES THE SERVING OF A VARIETY OF HOT MEALS; AND**

**(VIII) MAINTAINS SUFFICIENT FOOD ON THE PREMISES AT ALL TIMES TO FILL AN ORDER MADE FROM THE MENU.**

**(2) A DRUG, CANDY, OR CONFECTIONERY STORE IS NOT A RESTAURANT.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER, AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, TO SELL BEER, WINE, AND LIQUOR:**

**(I) FOR ON-PREMISES CONSUMPTION; AND**

**(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR OFF-PREMISES CONSUMPTION ONLY:**

**1. FROM THE MAIN BAR; AND**

**2. IN THE MAIN PORTION OF THE DINING ROOM FACILITIES.**

**(2) THE OFF-SALE PRIVILEGE SET OUT IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS LIMITED TO THOSE LICENSE HOLDERS WHO HAD THE PRIVILEGE ON JULY 1, 1970.**

**(D) INTERRUPTION OF RESTAURANT OPERATIONS TO BE REPORTED PROMPTLY.**

**A LICENSE HOLDER SHALL REPORT PROMPTLY TO THE BOARD WHEN THE RESTAURANT OPERATIONS ARE INTERRUPTED.**

**(E) RESTRICTIONS ON ISSUANCE OR TRANSFER OF LICENSE.**

**IF THE NEW LICENSED ESTABLISHMENT MEETS THE STANDARDS SET OUT IN THIS SECTION, THE BOARD MAY:**

**(1) ISSUE A NEW CLASS B BEER, WINE, AND LIQUOR LICENSE;**

**(2) APPROVE A TRANSFER OF THE LICENSE BY THE SAME LICENSE HOLDER TO A NEW LOCATION; AND**

**(3) APPROVE A TRANSFER OF THE LICENSE FROM ONE LICENSE HOLDER TO ANOTHER AT THE SAME OR DIFFERENT LOCATION.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,455.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(a)(1) and (r)(1)(ii)3 and (2)(i) and (iv) through (vii).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Subsection (b) of this section is revised to incorporate the substance of the former defined term “restaurant” for concision.

In subsection (b)(1)(vi) of this section, the reference to “wait staff” is substituted for the former “waiters or waitresses” for gender neutrality.

In the introductory language of subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

Also in the introductory language of subsection (c)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and sell” for brevity.

In subsection (c)(2) of this section, the reference to the privilege “set out in paragraph (1)(ii) of this subsection” is substituted for the former vague reference to “any off–sale privileges referred to in this subsection” for clarity.

Also in subsection (c)(2) of this section, the reference to “July 1, 1970” is substituted for the former erroneous reference to “May 28, 1969”, which was the result of an error made in Ch. 5, Acts of 1989.

In subsection (d) of this section, the language “[a] license holder shall report” is added to state expressly what was only implicit in the former law, that the license holder has the responsibility to report a restaurant closing to the Board.

Also in subsection (d) of this section, the former phrase “for any reason” is deleted as surplusage.

In the introductory language of subsection (e) of this section, the former phrase “[o]n and after May 1, 1966” is deleted as unnecessary.

In subsection (e)(3) of this section, the former reference to the establishment “where it is proposed to locate or transfer the license” is deleted as surplusage.

Former Art. 2B, § 6–201(r)(1)(i), which stated that the provisions of former Art. 2B, § 6–201(r) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(r)(1)(ii)1, which was the standard introduction to a definition section, is deleted as unnecessary because no words are defined in this section.

Former Art. 2B, § 6–201(r)(1)(ii)2, which defined “Board” as meaning the Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 26–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“Hotel” § 1–101

“Off–sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**26–903. CLASS B–PLUS BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–PLUS BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE LICENSE MAY BE ISSUED FOR USE BY A RESTAURANT THAT:**

**(I) IS LOCATED IN A PERMANENT BUILDING WITH SUFFICIENT SPACE AND ACCOMMODATIONS FOR PREPARING, SERVING, AND SELLING HOT MEALS TO THE PUBLIC DURING THE RESTAURANT’S HOURS OF OPERATION;**

**(II) HAS THE MINIMUM SANITARY FACILITIES REQUIRED BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

**(III) MEETS THE MINIMUM HEALTH REQUIREMENTS ADOPTED BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

**(IV) HAS A DINING AREA WITH SUFFICIENT TABLES, CHAIRS, OR BOOTHS TO COMFORTABLY SEAT AND ACCOMMODATE THE PUBLIC;**

**(V) IS EQUIPPED WITH A KITCHEN THAT HAS COMPLETE FACILITIES AND UTENSILS FOR PREPARING HOT AND COLD MEALS FOR THE PUBLIC;**

**(VI) EMPLOYS A SUFFICIENT NUMBER OF COOKS AND WAIT STAFF TO SERVE THE PUBLIC USING THE DINING AREA;**

(VII) MAINTAINS AND DISPLAYS A MENU THAT ADVERTISES THE SERVING OF A VARIETY OF HOT MEALS; AND

(VIII) MAINTAINS SUFFICIENT FOOD ON THE PREMISES AT ALL TIMES TO FILL AN ORDER MADE FROM THE MENU.

(2) A DRUG, CANDY, OR CONFECTIONERY STORE IS NOT A RESTAURANT.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER, AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, TO SELL BEER, WINE, AND LIQUOR FOR:

(1) ON-PREMISES CONSUMPTION; AND

(2) OFF-PREMISES CONSUMPTION BY MAINTAINING "OFF-SALE" SHELVES OR COUNTERS THAT SHALL BE IN AN AREA THAT IS PARTITIONED OR OTHERWISE PARTLY SEPARATED FROM THE MAIN BAR AND THE USUAL SERVING AREA FOR ON-PREMISES CONSUMPTION.

(D) INTERRUPTION OF RESTAURANT OPERATIONS TO BE REPORTED PROMPTLY.

A LICENSE HOLDER SHALL REPORT PROMPTLY TO THE BOARD WHEN THE RESTAURANT OPERATIONS ARE INTERRUPTED.

(E) RESTRICTIONS ON ISSUANCE OR TRANSFER OF LICENSE.

IF THE ESTABLISHMENT FOR WHICH A LICENSE IS SOUGHT TO BE ISSUED OR TRANSFERRED MEETS THE STANDARDS SET OUT IN THIS SECTION, THE BOARD MAY:

(1) ISSUE A NEW LICENSE UNDER THIS SECTION;

(2) APPROVE A TRANSFER OF A LICENSE UNDER THIS SECTION BY THE SAME LICENSE HOLDER TO A NEW LOCATION; AND

(3) APPROVE A TRANSFER OF A LICENSE UNDER THIS SECTION FROM ONE LICENSE HOLDER TO ANOTHER AT THE SAME OR DIFFERENT LOCATION.

(F) HOURS AND DAYS OF SALE.

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 26-2004(B) OF THIS TITLE.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,420.**

REVISOR'S NOTE: Subsections (a) through (e) and (g) of this section are new language derived without substantive change from former Art. 2B, § 6-201(a)(1) and (r)(1)(ii)3 and (2)(ii) and (v) through (vii).

Subsection (f) of this section is new language added for clarity.

Subsection (a) of this section is standard language used throughout this article to establish a license. In the former law, a Class B-Plus license was categorized as a variation of a Class B beer, wine, and liquor license, but it is set out in this revision as a separate license for clarity. The name "Class B-Plus" license is the name commonly used in the County for the license, which is a regular Class B beer, wine, and liquor license with an added off-sale privilege.

In subsection (b)(1)(vi) of this section, the reference to "wait staff" is substituted for the former "waiters or waitresses" for gender neutrality.

In subsection (c)(2) of this section, the former reference to "off-sale" shelves or counters "not contained within and an integral part of the main bar and in the main dining facilities where the majority of the meals are served and consumed in the licensed premises" is deleted as unnecessary in light of the requirement that the shelves or counters "be in an area that is partitioned or otherwise partly separated from the main bar and the usual serving area for on-premises consumption".

Also in subsection (c)(2) of this section, the former reference to an "enclosed or open" area is deleted as surplusage.

Also in subsection (c)(2) of this section, the former reference to the usual serving area "within these premises for the sale of alcoholic beverages" is deleted as surplusage.

In subsection (d) of this section, the language "[a] license holder shall report" is added to state expressly what was only implicit in the former law, that the license holder has the responsibility to report a restaurant closing to the Board.



Also in subsection (d) of this section, the former phrase “for any reason” is deleted as surplusage.

In the introductory language of subsection (e) of this section, the former phrase “[o]n and after May 1, 1966” is deleted as unnecessary.

In subsection (e)(3) of this section, the former reference to the establishment “where it is proposed to locate or transfer the license” is deleted as surplusage.

In subsection (g) of this section, the former language allowing a fee to be charged “whenever the applicant for or holder of a Class B (on-sale) beer, wine and liquor license proposes to or in fact establishes and conducts on the licensed premises” sales of beer, wine, and liquor for off-premises consumption is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 6-201(r)(2)(iii), which authorized a license holder to sell alcoholic beverages for off-sale consumption from any portion of the premises other than from the main bar or the usual place maintained for on-premises consumption sales, is deleted as obsolete. This former provision has never been used and may not be used in the future, as no new licenses may be issued under this section.

Defined terms: “Beer” § 1-101

“Board” § 26-101

“County” § 26-101

“Hotel” § 1-101

“Restaurant” § 1-101

“Wine” § 1-101

#### **26-904. CLASS BH LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS BH (HOTEL) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL:**

**(I) THAT ACCOMMODATES THE PUBLIC;**

**(II) THAT HAS:**

**1. AT LEAST 45 BEDROOMS;**

2. A LOBBY THAT HAS A REGISTRATION AND MAIL DESK;
3. A SEATING FACILITY; AND

4. A DINING ROOM THAT HAS FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;

(III) WITH AVERAGE DAILY RECEIPTS FROM THE SALE OF A RIGHT TO OCCUPY A ROOM AND THE SALE OF FOOD THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES;

(IV) THAT COLLECTS THE COUNTY HOTEL OCCUPANCY TAX FROM GUESTS RENTING, USING, OR OCCUPYING A ROOM IN THE ESTABLISHMENT; AND

(V) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN WHICH THE CAPITAL INVESTMENT IS AT LEAST \$30,000 PER BEDROOM, INCLUDING:

1. THE BUILDING AND ALL OF THE BUILDING'S ACCOMPANYING FIXTURES AND SYSTEMS;

2. THE PARKING COMPOUND;

3. SWIMMING POOL AND OTHER RECREATIONAL AREAS;

4. LANDSCAPING;

5. SITE PREPARATION AND IMPROVEMENTS; AND

6. INFRASTRUCTURE, ENGINEERING, ARCHITECTURAL, AND OTHER SIMILAR COSTS.

(2) FOR PURPOSES OF PARAGRAPH (1)(V) OF THIS SUBSECTION, THE CAPITAL INVESTMENT IN THE HOTEL MAY NOT INCLUDE THE COST OF LAND FURNISHINGS, REMOVABLE EQUIPMENT, AND PERSONAL PROPERTY.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION:

(1) INCLUDING BY THE DRINK FROM THE BAR OR A COCKTAIL LOUNGE FOR ON-PREMISES CONSUMPTION; AND

**(2) TO A HOTEL GUEST WHO IS AT LEAST 21 YEARS OLD IF THE:**

**(I) LIQUOR IS SOLD IN A SEALED CONTAINER OF 200 MILLILITERS OR LESS;**

**(II) BEER, WINE, OR LIQUOR IS SOLD IN A SEALED CONTAINER FROM A LOCKED, PRE-STOCKED, PRIVATE BAR IN AN INDIVIDUAL GUEST ROOM; AND**

**(III) CHARGE FOR THE BEER, WINE, OR LIQUOR SOLD IS INDICATED ON THE GUEST ROOM BILL.**

**(D) UNDERAGE GUESTS AT HOTEL.**

**(1) HOTEL MANAGEMENT IS RESPONSIBLE FOR REMOVING THE BAR KEY FROM A ROOM THAT IS RENTED TO A GUEST UNDER 21 YEARS OF AGE.**

**(2) A LICENSE HOLDER THAT OBTAINS AN ENTERTAINMENT PERMIT UNDER § 26-1103 OF THIS TITLE MAY ALLOW AN INDIVIDUAL UNDER 21 YEARS OF AGE TO BE PRESENT ON THE PREMISES WHILE AN ALCOHOLIC BEVERAGE IS BEING SERVED DURING ANY OF THE FOLLOWING EVENTS:**

**(I) ANNIVERSARY PARTY;**

**(II) BABY SHOWER;**

**(III) BAPTISM RECEPTION;**

**(IV) BAR MITZVAH;**

**(V) BAT MITZVAH;**

**(VI) BEAUTILLION;**

**(VII) BIRTHDAY PARTY;**

**(VIII) BOOK SIGNING;**

**(IX) CHURCH EVENT;**

**(X) CONFIRMATION RECEPTION;**

**(XI) CORPORATE RECEPTION;**

- (XII) COTILLION;
- (XIII) ENGAGEMENT PARTY;
- (XIV) FAITH BASED EVENT;
- (XV) FAMILY REUNION;
- (XVI) FAMILY THEMED THEATRICAL;
- (XVII) GRADUATION PARTY;
- (XVIII) PERFORMANCE;
- (XIX) POLITICAL EVENT;
- (XX) RETIREMENT PARTY;
- (XXI) RIGHTS OF PASSAGE EVENT;
- (XXII) SCHOLARSHIP AWARD CEREMONY;
- (XXIII) SCHOOL EVENT;
- (XXIV) TEA PARTY;
- (XXV) WEDDING;
- (XXVI) WEDDING RECEPTION;
- (XXVII) WEDDING SHOWER; AND

(XXVIII) FAMILY-ORIENTED EVENT, AS DEFINED IN REGULATIONS OF THE BOARD.

(E) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 26-2004(E) OF THIS TITLE.

(F) REGULATIONS.

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.****(G) FEE.****THE ANNUAL LICENSE FEE IS \$5,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(4) and, except for the reference to Class B beer, wine, and liquor licenses with a special Sunday “on–sale” permit, the fourth sentence of (5)(iv).

Subsection (a) of this section is standard language used throughout this article to establish a license.

Subsection (b) of this section is revised to incorporate the substance of the former defined term “hotel” for concision.

The introductory language of subsection (b)(1) of this section states expressly what was only implicit in the former law, that the Board is the license issuing authority.

In subsection (b)(1)(i) of this section, the former phrases “recognized as a hotel” and “providing services ordinarily found in hotels” are deleted as surplusage.

In subsection (b)(1)(ii)3 of this section, the reference to a “seating facility” is substituted for the former reference to “seating facilities” in light of GP § 1–202, which provides that the singular generally includes the plural.

In subsection (b)(1)(iii) of this section, the reference to “sale of a right to occupy a room” is substituted for the former antiquated reference to “hire of rooms”.

In subsection (b)(1)(iv) of this section, the references to “renting” and “occupying” are added to clarify the individuals who are taxed and for consistency with § 10–218.01 of the Public Local Laws for Prince George’s County.

In subsection (b)(1)(v) of this section, the reference to “at least” is substituted for the former reference to “not less than” to conform to the terminology used throughout this article.

In subsection (b)(1)(v)1 of this section, the former reference to “buildings” is deleted in light of the reference to a “building” and GP § 1–202, which provides that the singular generally includes the plural.

In the introductory language of subsection (c)(2) of this section, the former phrase “[i]n addition to the other privileges granted under this paragraph” is deleted as unnecessary in light of the revised subsection.

In subsection (c)(2)(i) of this section, the reference to “liquor” is substituted for the former reference to “alcoholic beverages, other than beer and wine” for brevity.

Also in subsection (c)(2)(i) of this section, the reference to “a sealed container” is substituted for the former reference to “sealed containers” in light of GP § 1–202, which provides that the singular generally includes the plural.

In subsection (c)(2)(iii) of this section, the former reference to the “respective” guest is deleted as surplusage.

In subsection (e) of this section, the former reference to “except that any restrictions against the sale of alcoholic beverages on Sunday appearing in § 11–517 of this article and elsewhere in this article do not apply” is deleted as unnecessary in light of the revised subsection.

In subsection (f) of this section, the reference to “carry out” this section is substituted for the former reference to “establish compliance with” this section to conform to the terminology used throughout the article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“Hotel” § 1–101

“Wine” § 1–101

#### **26–905. CLASS C LICENSE — RESERVED.**

REVISOR’S NOTE: As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of this title.

#### **26–906. CLASS D BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

**A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(r).

Defined terms: “Beer” § 26–101

“County” § 26–101

“Wine” § 1–101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**26–1001. ARTS AND ENTERTAINMENT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–AE (ARTS AND ENTERTAINMENT) BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE ONLY FOR USE BY AN ESTABLISHMENT IN THE COUNTY ARTS AND ENTERTAINMENT DISTRICT AS APPROVED BY THE COUNTY COUNCIL IN COUNCIL RESOLUTION CR–83–2001.**

**(2) A PERSON MAY NOT HOLD MORE THAN TWO CLASS B–AE LICENSES.**

**(3) THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION.**

**(C) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS SPECIFYING HOURS AND DAYS OF SALE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,750.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(18).

In subsection (b)(1) of this section, the reference to the issuance of the license “for use by” an establishment is substituted for the former reference to issuance of the license “to” an establishment for accuracy.

In subsection (b)(3) of this section, the former reference to consumption on the premises “only” is deleted as unnecessary because the license does not authorize consumption off the premises.

Defined terms: “Board” § 26–101

“County” § 26–101

“Person” § 1–101

**26–1002. CONCESSIONAIRE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (CONCESSIONAIRE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A PERSON OPERATING A CONCESSION THAT IS:**

**(I) SUBJECT TO CONTRACTUAL AGREEMENT WITH THE COUNTY; AND**

**(II) ON THE PREMISES OF A GOLF AND COUNTRY CLUB OR COUNTRY CLUB OWNED BY THE COUNTY.**

**(2) THE LICENSE HOLDER:**

**(I) MAY BE AN INDIVIDUAL, ASSOCIATION, FIRM, PARTNERSHIP, OR CORPORATION APPROVED BY THE COUNTY COUNCIL; AND**

**(II) SHALL BE A RESIDENT OF THE STATE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION BY THE DRINK OR BOTTLE.**

**(2) THE BOARD SHALL:**

**(I) REGULATE THE MANNER OF PROVIDING BEER, WINE, AND LIQUOR; AND**

**(II) AUTHORIZE THE NUMBER OF OUTLETS THAT MAY PROVIDE BEER, WINE, AND LIQUOR ON THE LICENSED PREMISES.**

**(D) HOURS AND DAYS OF SALE.**



**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR FOR ON-PREMISES CONSUMPTION:**

**(I) FROM 2 A.M. TO 6 A.M.; OR**

**(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,815.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6-301(r)(7)(i), (iii) through (vi), and the first sentence of (ii) and, as it related to the Board issuing the license, the first sentence of (a)(1) and 11-517(b)(1)(i) and (g)(1) and, as it related to Class C licenses, § 11-403(a)(1)(ii) and (7).

In the introductory language of subsection (b)(1) of this section, the reference to the "Board" is substituted for the former reference to the "license issuing authority of the county in which the place of business is located" for brevity and clarity.

In the introductory language of subsection (b)(2) of this section, the reference to the "license holder" is substituted for the former reference to the "concessionaire" for clarity.

In subsection (b)(2)(i) of this section, the reference to an "individual" is substituted for the former reference to a "natural person" for clarity.

Also in subsection (b)(2)(i) of this section, the former phrase "as such" is deleted as surplusage.

In subsection (c)(1) and (2) of this section, the references to "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (c)(1) of this section, the reference to the “license holder” is substituted for the former reference to the “concessionaire holding the license” for brevity.

Also in subsection (c)(1) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Also in subsection (c)(1) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c)(1) of this section, the former reference to selling “at retail” is deleted as surplusage.

The second sentence of former Art. 2B, § 6–301(r)(7)(ii), which required that the license fee be paid before the license is issued, regardless of any terms or conditions in any contractual agreement between the concessionaire and the County, is deleted as redundant of § 4–311 of this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(2)(ii) of this section, the requirement that an applicant be a resident of the State may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classify persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“State” § 1–101

“Wine” § 1–101

### **26–1003. CONVENTION CENTER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B–CC (CONVENTION CENTER) BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE ONLY FOR USE BY A HOTEL THAT HAS:**

##### **(1) AT LEAST 1,500 BEDROOMS;**

(2) AT LEAST THREE DINING AREAS WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;

(3) ROOMS FOR MEETINGS, DISPLAYS, BANQUETS, BALLS, DANCING, AND LIVE ENTERTAINMENT; AND

(4) A BAR AND ENTERTAINMENT OR DANCING AREA COMMONLY RECOGNIZED AS A NIGHTCLUB.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR:

(I) FOR CONSUMPTION THROUGHOUT THE LICENSED PREMISES, BOTH INDOORS AND OUTDOORS, INCLUDING MEETING AND BANQUET ROOMS, PATIOS, VERANDAS, QUAYS, AND GREEN SPACES; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FROM LOCKED, PRESTOCKED PRIVATE BARS IN INDIVIDUAL GUEST ROOMS IF THE CHARGES FOR THE BEER, WINE, AND LIQUOR SOLD ARE INDICATED ON THE GUEST ROOM BILL.

(2) THE MANAGEMENT OF THE ESTABLISHMENT SHALL REMOVE THE BAR KEY FROM A ROOM THAT IS RENTED TO A GUEST UNDER THE AGE OF 21 YEARS.

(D) DANCING AND LIVE ENTERTAINMENT ALLOWED.

THE LICENSE AUTHORIZES DANCING AND LIVE ENTERTAINMENT THROUGHOUT THE LICENSED PREMISES.

(E) DAILY RECEIPTS REQUIREMENT.

THE TOTAL AVERAGE DAILY RECEIPTS OF THE LICENSE HOLDER FROM THE RENTAL OF MEETING ROOMS AND BEDROOMS AND THE SALE OF FOOD ARE REQUIRED TO EXCEED THE AVERAGE DAILY RECEIPTS OF THE LICENSE HOLDER FROM THE SALE OF BEER, WINE, AND LIQUOR.

(F) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SERVE BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 3 A.M. THE FOLLOWING DAY.

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$22,000.**

**(H) EFFECT OF SECTION.**

**THIS SECTION DOES NOT PRECLUDE A LICENSE HOLDER FROM HAVING AN INTEREST IN ANY OTHER ALCOHOLIC BEVERAGES LICENSES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(17).

In subsections (c), (e), and (f) of this section, the references to “beer, wine, and liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In the introductory language of subsection (b) of this section, the reference to a “hotel” is substituted for the former reference to an “establishment that is recognized as a hotel for the accommodation of the public that provides services ordinarily provided in hotels” in light of the definition of “hotel” in § 1–101 of this article.

In subsections (c)(1)(i) and (d) of this section, the references to a licensed “premises” are substituted for the former references to a licensed “establishment” to conform to the terminology used throughout this article.

In subsection (e) of this section, the references to receipts of “the license holder” are substituted for the former reference to receipts of “a Class B–CC licensed establishment” for brevity.

Also in subsection (e) of this section, the reference to “rental” of meeting rooms is substituted for the former reference to the “hire” of meeting rooms for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“County” § 26–101

“Hotel” § 1–101

**26–1004. COUNTRY CLUB LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C (COUNTRY CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) SIGNATORY REQUIREMENT FOR LICENSE APPLICATION.**

AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE COUNTRY CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND TAXPAYER.

**(C) AUTHORIZED HOLDER.**

THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY CLUB THAT:

**(1) (I) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND**

**(II) AT THE TIME OF APPLICATION FOR THE LICENSE, MAINTAINS:**

**1. AT LEAST TWO TENNIS COURTS;**

**2. A SWIMMING POOL THAT IS AT LEAST 30 BY 80 FEET;**

**AND**

**3. AT LEAST 15 ACRES THAT ARE USED IN CONNECTION WITH THE LICENSED PREMISES; OR**

**(2) (I) HAS AT LEAST 500 MEMBERS WHO PAY DUES; AND**

**(II) HAS AT LEAST 15 ACRES THAT ARE USED IN CONNECTION WITH THE LICENSED PREMISES.**

**(D) SCOPE OF AUTHORIZATION.**

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR MONDAY THROUGH SUNDAY FOR ON-PREMISES CONSUMPTION, EXCLUDING THE GROUNDS OF THE COUNTRY CLUB.

**(E) HOURS AND DAYS OF SALE.**

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE.

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(r)(6) and (5)(iii) and (vi) and, as it related to the establishment of a Class C beer, wine, and liquor license, the first sentence of (a)(1).

In subsection (c)(1)(i) and (2)(i) of this section, the former references to “bona fide” members are deleted as surplusage.

In subsection (c)(1)(ii)3 and (2)(ii) of this section, the former reference to 15 acres “of ground” is deleted as surplusage.

In subsections (d) and (e) of this section, the references to “beer, wine, and liquor” are substituted for the former, broader references to “alcoholic beverages” for clarity.

In subsection (d) of this section, the reference to “sell[ing] beer, wine, and liquor Monday through Sunday for on–premises consumption, excluding the grounds of the country club” is substituted for the former prohibition that “[a]lcoholic beverages may not be consumed off their premises or on the grounds of the club” for brevity and clarity.

In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title” is substituted for the former reference to the “[l]icensees are subject to restrictions appearing in § 11–517 of this article as to the sale of alcoholic beverages on Sunday” for clarity and consistency with similar provisions on hours and days of sale in this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section, the requirements that an applicant be a resident, registered voter, and taxpayer may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classify persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Beer” § 1–101

“Board” § 26–101

“Wine” § 1–101

**26–1005. COUNTRY AND GOLF CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (COUNTRY AND GOLF CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) SIGNATORY REQUIREMENT FOR LICENSE APPLICATION.**

**AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE COUNTRY AND GOLF CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND TAXPAYER OF THE COUNTY.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY AND GOLF CLUB THAT:**

**(1) (I) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND**

**(II) AT THE TIME OF THE APPLICATION FOR THE LICENSE, MAINTAINS:**

**1. AT LEAST TWO TENNIS COURTS;**

**2. A SWIMMING POOL THAT IS AT LEAST 30 BY 80 FEET;**

**AND**

**3. A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST 9 HOLES; OR**

**(2) (I) HAS AT LEAST 500 MEMBERS WHO PAY DUES; AND**

**(II) AT THE TIME OF THE APPLICATION FOR THE LICENSE, MAINTAINS A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST 18 HOLES.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR:**

**(1) FROM MONDAY TO SATURDAY, TO ANY CUSTOMER OF THE CLUB FOR ON-PREMISES OR OFF-PREMISES CONSUMPTION; AND**

**(2) ON SUNDAY, ONLY TO A MEMBER OF THE GOLF AND COUNTRY CLUB AND A GUEST OF A MEMBER FOR ON-PREMISES CONSUMPTION ON THE GROUNDS OF THE CLUB USED IN CONNECTION WITH THE CLUB.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE, EXCEPT THAT RESTRICTIONS AGAINST THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAY DO NOT APPLY.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,815.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(r)(5)(i) through (vi) and (vii)2 and, as it related to the Board issuing the license, the first sentence of (a)(1) and, as it related to hours and days of sale, (r)(5)(vii)1.

In the introductory language of subsection (c) of this section, the reference to the "Board" is substituted for the former reference to the "license issuing authority of the county in which the place of business is located" for brevity and clarity.

In subsections (c)(1)(i) and (2)(i) and (d)(2) of this section, the former references to "bona fide" members are deleted as surplusage.

In the introductory language of subsection (d) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in the introductory language of subsection (d) of this section, the former reference to selling "at retail" is deleted as surplusage.

Also in the introductory language of subsection (d) of this section, the former phrase "at the place described in the license" is deleted as surplusage.

Also in the introductory language of subsection (d) of this section, the reference to "beer, wine, and liquor" is substituted for the former, broader reference to "alcoholic beverages" for clarity.

In subsection (d)(1) of this section, the reference to any customer "of the club" is added for clarity.



In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title” is substituted for the former reference to the “license [being] subject to all the provisions of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 6–301(r)(5)(vii)1, which provided that the license is subject to all the provisions of this article, is deleted as an unnecessary statement of common practice except as it related to hours and days of sale.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section, the requirements that an applicant be a resident, registered voter, and taxpayer of the County may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classify persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“Wine” § 1–101

## **26–1006. COUNTRY INN LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B–CI LICENSE.**

### **(B) ISSUANCE OF LICENSE.**

**THE BOARD MAY DETERMINE:**

**(1) TO WHOM THE LICENSE SHALL BE ISSUED;**

**(2) THE NUMBER OF LICENSES TO BE ISSUED; AND**

**(3) WHETHER A PERSON WHO ALREADY HOLDS A LICENSE ISSUED IN THE COUNTY MAY ALSO HAVE AN INTEREST IN A CLASS B–CI LICENSE.**

### **(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A COUNTRY INN THAT:**

**(1) ACCOMMODATES THE PUBLIC;**

**(2) IS EQUIPPED WITH A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;**

**(3) HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES; AND**

**(4) IS IN A BUILDING THAT MEETS THE REQUIREMENTS OF SUBSECTIONS (E) AND (F) OF THIS SECTION.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.**

**(E) BUILDING REQUIREMENTS.**

**A COUNTRY INN FOR WHICH THE LICENSE IS ISSUED SHALL BE IN A BUILDING THAT:**

**(1) APPEARS ON THE NATIONAL REGISTER OF HISTORIC PLACES;**

**(2) HAS HISTORIC, CULTURAL, OR ARCHITECTURAL SIGNIFICANCE BECAUSE IT:**

**(i) 1. HAS CHARACTER, INTEREST, OR VALUE AS PART OF THE DEVELOPMENT, HERITAGE, OR CULTURAL CHARACTERISTICS OF THE COUNTY, STATE, OR NATION;**

**2. IS THE SITE OF A SIGNIFICANT HISTORIC EVENT;**

**3. IS IDENTIFIED WITH A PERSON OR A GROUP OF PERSONS WHO INFLUENCED SOCIETY;**

**4. EXEMPLIFIES THE CULTURAL, ECONOMIC, INDUSTRIAL, SOCIAL, POLITICAL, OR HISTORICAL HERITAGE OF THE COMMUNITY;**

**5. EMBODIES THE DISTINCTIVE CHARACTERISTICS OF A TYPE, PERIOD, OR METHOD OF CONSTRUCTION;**

6. REPRESENTS AN ESTABLISHED AND FAMILIAR VISUAL FEATURE OF THE NEIGHBORHOOD, COMMUNITY, OR COUNTY DUE TO ITS SINGULAR PHYSICAL CHARACTERISTIC OR LANDSCAPE; AND

(II) POSSESSES HIGH ARTISTIC VALUES; OR

(3) (I) HAS BEEN CONSTRUCTED OR RECONSTRUCTED ON A SITE CLASSIFIED AS A HISTORIC SITE IN THE HISTORIC SITES AND DISTRICTS' PLAN FOR THE COUNTY;

(II) EXEMPLIFIES THE CULTURAL, ECONOMIC, INDUSTRIAL, SOCIAL, POLITICAL, OR HISTORICAL HERITAGE OF THE COMMUNITY;

(III) EMBODIES THE DISTINCTIVE CHARACTERISTICS OF A TYPE, PERIOD, OR METHOD OF CONSTRUCTION; AND

(IV) POSSESSES HIGH ARTISTIC VALUES.

(F) ADDITIONAL REQUIREMENTS.

IN ADDITION TO THE REQUIREMENTS IN SUBSECTION (D) OF THIS SECTION, A COUNTRY INN SHALL MEET THE FOLLOWING REQUIREMENTS:

(1) THE EXTERIOR OF THE BUILDING SHALL GIVE THE APPEARANCE OF APPROPRIATE AGE;

(2) THE GROUNDS SHALL INCLUDE APPROPRIATE LANDSCAPING, GARDENS, AND APPURTENANCES;

(3) EXCEPT FOR RESTROOMS, THE INTERIOR OF THE BUILDING IN ALL AREAS OPEN TO THE PUBLIC SHALL BE DECORATED AND FURNISHED IN THE STYLE APPROPRIATE TO THE PERIOD IN WHICH THE BUILDING WAS CONSTRUCTED, OR THE PERIOD THE BUILDING WAS CONSTRUCTED TO EXEMPLIFY, EXCEPT THAT ELECTRIC LIGHTING MAY BE USED IF THE LIGHTING FIXTURES ARE OF A STYLE COMPATIBLE WITH THE DECOR OF THE INN;

(4) THE EMPLOYEES OF THE COUNTRY INN WHO REGULARLY AND CUSTOMARILY ARE IN VIEW OF PATRONS IN THE DINING AREA SHALL BE ATTIRED IN CLOTHING OR COSTUME APPROPRIATE TO THE PERIOD EXEMPLIFIED BY THE INN; AND

**(5) ENTERTAINMENT PROVIDED BY THE COUNTRY INN SHALL EXEMPLIFY THE KIND OF ENTERTAINMENT TYPICAL OF THE PERIOD REPRESENTED BY THE INN.**

**(G) LIMIT ON NUMBER OF LICENSES.**

**(1) A LICENSE HOLDER MAY HOLD NOT MORE THAN TWO CLASS B–CI LICENSES.**

**(2) THE BOARD MAY ISSUE NOT MORE THAN TWO CLASS B–CI LICENSES.**

**(H) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 26–2004 OF THIS TITLE.**

**(I) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,515.**

REVISOR’S NOTE: Subsections (a) through (g) and (i) of this section are new language derived without substantive change from former Art. 2B, § 6–201(r)(10)(i) through (iii), (v) through (viii), and (iv)1 and 2.

Subsection (h) of this section is new language added to provide a cross–reference to the hours and days of sale provision that applies to a Class B beer, wine, and liquor license in Prince George’s County.

In subsection (a) of this section, the former phrase “special Class B license known as” Class B–CI is deleted as surplusage.

In subsection (d) of this section, the phrase “authorizes the license holder to sell” is substituted for the former phrase “are limited and restricted to the purpose of providing” for brevity.

Also in subsection (d) of this section, the former reference to consumption on the licensed premises “only, with no off–sale privileges to be exercised therewith” is deleted as redundant.

Former Art. 2B, § 6–201(r)(10)(iv)3, which stated that “the Board may adopt regulations that specify additional standards and criteria not inconsistent with this section”, is deleted as unnecessary because the Board has power to adopt regulations under § 23–208 of this title.

Defined terms: "Alcoholic beverage" § 1-101

"Board" 26-101

"County" § 26-101

"Person" § 1-101

**26-1007. DRAFTHOUSE LICENSE.**

**(A) "DRAFTHOUSE" DEFINED.**

**IN THIS SECTION, "DRAFTHOUSE" MEANS A THEATER WHERE:**

**(1) A MOTION PICTURE IS SHOWN TO THE PUBLIC; AND**

**(2) PATRONS CAN PURCHASE FOOD, BEER, AND WINE TO CONSUME ON THE PREMISES WHILE WATCHING THE MOTION PICTURE.**

**(B) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY IN THE CITY OF GREENBELT.**

**(C) ESTABLISHED.**

**THERE IS A CLASS B-DH (DRAFTHOUSE) LICENSE.**

**(D) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A DRAFTHOUSE THAT:**

**(I) HAS A MINIMUM AUDITORIUM SIZE OF 3,500 SQUARE FEET;**

**(II) HAS A MINIMUM INVESTMENT OF AT LEAST \$150,000 IN TANGIBLE PROPERTY, INCLUDING KITCHEN EQUIPMENT, FURNITURE, AND INTERIOR IMPROVEMENTS;**

**(III) PRESENTS A FAMILY MATINEE EVERY SATURDAY AND HOLIDAY THAT THE DRAFTHOUSE IS OPEN FOR BUSINESS;**

**(IV) INTENDS TO PROVIDE BEER AND WINE AT TABLES AND SEATS IN THE DRAFTHOUSE;**

**(V) DOES NOT HAVE A BAR OTHER THAN A SERVICE BAR; AND**

(VI) EXCEPT AS PROVIDED IN SUBSECTION (F)(2) OF THIS SECTION, INTENDS TO MAKE BEER AND WINE AVAILABLE FOR PURCHASE ONLY BEFORE AND DURING A MOTION PICTURE AND ENDS SERVICE AT THE END OF THE MOTION PICTURE.

(2) BEFORE THE BOARD MAY ISSUE THE LICENSE, THE APPLICANT SHALL OBTAIN THE BOARD'S WRITTEN APPROVAL OF THE MENU THE DRAFTHOUSE INTENDS TO OFFER, WHICH SHALL INCLUDE BOTH HOT AND COLD FOOD.

(E) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT RETAIL IN THE DRAFTHOUSE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.

(2) THE LICENSE HOLDER MAY NOT MAKE ALCOHOLIC BEVERAGES AVAILABLE FOR PURCHASE WHEN SHOWING A FAMILY MATINEE.

(F) HOURS AND DAYS OF SALE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER AND WINE:

(I) ON MONDAYS THROUGH FRIDAYS THAT ARE NOT HOLIDAYS, FROM 11 A.M. TO 1:30 A.M. THE FOLLOWING DAY; AND

(II) ON SATURDAYS, SUNDAYS, AND HOLIDAYS, FROM 5 P.M. TO 1:30 A.M. THE FOLLOWING DAY.

(2) IF A FAMILY MATINEE CONTINUES AFTER 5 P.M., THE LICENSE HOLDER MAY NOT SELL BEER OR WINE UNTIL 15 MINUTES FOLLOWING THE END OF THE MATINEE.

(G) NUMBER OF LICENSES.

THE BOARD SHALL DETERMINE THE NUMBER OF LICENSES TO BE ISSUED.

(H) FEE.

(1) THE ANNUAL LICENSE FEE IS \$245.

(2) THE LICENSE FEE ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

- (I) PAID BEFORE THE LICENSE IS ISSUED; AND
- (II) DISTRIBUTED AS PROVIDED UNDER THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–702 and 11–517(k).

In subsection (b) of this section, the former reference to the City of Greenbelt being located in “Prince George’s County” is deleted as unnecessary in light of the organization of this revised title.

In the introductory language of subsection (d)(1) of this section, the reference to the authority of “[t]he Board” to issue the license is substituted for the former requirement that the license “be issued by the office where Class B licenses are issued in the county in which the drafthouse is located” for brevity and to state expressly that the Board is the license issuing authority.

Also in the introductory language of subsection (d)(1) of this section, the phrase “for use in a drafthouse that” meets certain requirements is substituted for the former reference to “applicants for this license shall” meet certain requirements for clarity.

In subsection (d)(1)(iv) and (vi) of this section, the references to “intends to provide” beer and wine and “intends to make” beer and wine available are substituted for the former references to “provide” and “make” because the activities cannot actually be done until the drafthouse is licensed.

In subsection (d)(1)(vi) of this section, the references to a “motion picture” are substituted for the former references to a “motion picture show” and “the program” to conform to the terminology used in subsection (a) of this section.

In subsection (d)(2) of this section, the requirement that “[b]efore the Board may issue the license, the applicant shall obtain the Board’s written approval” is substituted for the former requirement that the applicant “[s]ubmit to the Board of License Commissioners for its prior written approval” for brevity.

In subsection (e)(1) of this section, the former reference to “keep for sale” is deleted as included in the reference to “sell”.

In subsection (f) of this section, the reference to the authority of the “license holder” to “sell beer and wine” is substituted for the former reference to the “hours and days of sale” for clarity and consistency with other similar provisions on hours and days of sale in this article.

In subsection (h)(2)(i) of this section, the requirement that the annual license fee be paid as a prerequisite to “the” drafthouse license being issued is substituted for the former reference to “any” license being issued for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 23–101

“Wine” § 1–101

**26–1008. EDUCATIONAL CONFERENCE FACILITY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B/ECF (EDUCATIONAL CONFERENCE FACILITY) BEER, WINE, AND LIQUOR LICENSE FOR THE UNIVERSITY COLLEGE CENTER OF ADULT EDUCATION OF THE UNIVERSITY OF MARYLAND.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO AN INDIVIDUAL WHO IS:**

**(1) AUTHORIZED BY THE UNIVERSITY COLLEGE CENTER OF ADULT EDUCATION TO:**

**(I) ACT ON ITS BEHALF;**

**(II) ASSUME ALL RESPONSIBILITY; AND**

**(III) BE SUBJECT TO ALL THE PENALTIES, CONDITIONS, AND RESTRICTIONS IMPOSED ON LICENSES; AND**

**(2) A RESIDENT AND REGISTERED VOTER OF THE COUNTY.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK IN THE UNIVERSITY COLLEGE CENTER FOR ADULT EDUCATION, FROM ONE OR MORE OUTLETS, FOR ON-PREMISES CONSUMPTION TO AN INDIVIDUAL AUTHORIZED TO USE THE CENTER.**

**(D) LICENSE APPLICATION.**



**THE POLICIES OF THE UNIVERSITY COLLEGE CENTER FOR ADULT EDUCATION THAT PERTAIN TO THE SPONSORSHIP OF EVENTS WHERE ALCOHOLIC BEVERAGES MAY BE SOLD SHALL BE FILED WITH THE APPLICATION.**

**(E) PROFITS FROM BEER, WINE, AND LIQUOR SALES.**

**ALL PROFITS FROM THE SALE OF BEER, WINE, AND LIQUOR SHALL BE DEPOSITED INTO THE FOOD SERVICES INCOME FUND.**

**(F) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS CONCERNING THE MANNER OF DISPENSING BEER, WINE, AND LIQUOR AND THE HOURS AND DAYS OF SALE SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$4,325.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(r)(9)(i), (ii), (iii)1, (iv), (v)1 and 2, the first sentence of (iii)2, and the first sentence of (vi).

In subsection (a) of this section, the former phrase “[n]otwithstanding the provisions of § 9-217(e)(1) of this article” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the former reference to “persons” is deleted as unnecessary in light of the reference to a “person” and § 1-202 of the General Provisions Article, which provides that the singular generally includes the plural.

In subsections (e) and (f) of this section, the references to “beer, wine, and liquor” are substituted for the former references to “alcoholic beverages” for clarity.

The second sentence of former Art. 2B, § 6-201(r)(9)(iii)2, which stated that the application for the license shall be filed and processed in the normal manner, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 6-201(r)(9)(v)3, which stated that the residency requirements specified in former Art. 2B, § 9-101 as they pertained to Prince George's County do not apply to Class B/ECF licenses, is deleted as redundant of § 26-1405(a)(6) of this title.

The second sentence of former Art. 2B, § 6–201(r)(9)(vi), which stated that the holder of a Class B/ECF license is subject to all the provisions of this article and to the regulations of the Board, is deleted as an unnecessary statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the residency requirement in subsection (b)(2) of this section may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“Wine” § 1–101

**26–1009. EDUCATION CONFERENCE FACILITY/DINING SERVICE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–ECF/DS (EDUCATION CONFERENCE FACILITY/DINING SERVICE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO AN INDIVIDUAL WHO IS:**

**(1) AUTHORIZED BY THE UNIVERSITY OF MARYLAND, COLLEGE PARK TO:**

**(I) ACT ON ITS BEHALF UNDER THE LICENSE; AND**

**(II) BE SUBJECT TO THE PENALTIES, CONDITIONS, AND RESTRICTIONS UNDER THIS TITLE; AND**

**(2) A RESIDENT AND REGISTERED VOTER OF THE COUNTY.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION FROM MULTIPLE**

DESIGNATED OUTLETS ON THE UNIVERSITY'S CAMPUS ONLY AT UNIVERSITY-RELATED FUNCTIONS CATERED BY THE DEPARTMENT OF DINING SERVICES.

(2) BEER, WINE, AND LIQUOR PURCHASED AT A DESIGNATED OUTLET ARE TO BE CONSUMED IN THE CONFINES OF THAT OUTLET AND MAY NOT BE TRANSPORTED TO ANOTHER OUTLET.

(D) PROFITS FROM BEER, WINE, AND LIQUOR SALES.

ALL PROFITS FROM THE RETAIL SALE OF BEER, WINE, AND LIQUOR SHALL BE DEPOSITED IN THE DINING SERVICES INCOME FUND OF THE UNIVERSITY OF MARYLAND.

(E) AUTHORITY AND DUTIES OF BOARD.

THE BOARD:

(1) MAY REGULATE THE MANNER IN WHICH BEER, WINE, AND LIQUOR ARE DISPENSED UNDER THE LICENSE;

(2) BEFORE ISSUING THE LICENSE, SHALL DESIGNATE THE EXACT CAMPUS LOCATIONS FOR THE OUTLETS FOR THE SALE OF BEER, WINE, AND LIQUOR;

(3) SHALL MAINTAIN A MAP AND DESCRIPTION OF THE DESIGNATED OUTLETS FOR VERIFICATION ON THE RENEWAL OF THE LICENSE; AND

(4) SHALL REQUIRE THE DEPARTMENT OF DINING SERVICES OF THE UNIVERSITY OF MARYLAND, COLLEGE PARK TO REPORT TO THE BOARD AT LEAST 5 DAYS BEFORE A UNIVERSITY-RELATED CATERED FUNCTION AT WHICH BEER, WINE, OR LIQUOR IS INTENDED TO BE SOLD OR SERVED.

(F) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE.

(G) FEE.

THE ANNUAL LICENSE FEE IS \$7,425.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(12)(i) through (x).

In the introductory language of subsection (b) of this section, the former reference to issuing the license “only” to an individual is deleted as surplusage.

In subsection (c)(1) of this section, the phrase “for on–premises consumption,” on the licensed premises is substituted for the former phrase “restricted to on–sale privileges only” to conform to the terminology used throughout this article.

In subsections (c)(2), (d), and (e)(1) of this section, the references to “[b]eer, wine, and liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (e) of this section, the former authority of the Board to “regulate the manner in which alcoholic beverages are dispensed under a Class B–ECF/DS license” is deleted as an unnecessary statement of an implicit power of the Board.

Also in subsection (e) of this section, the former requirement that the Board “process the license in the same manner as any other license issued by the Board” is deleted as an unnecessary statement of common practice.

In subsection (f) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 26–2004 of this title” is substituted for the former reference to the “hours and days of sale under this license are as provided in § 11–517 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the residency requirement in subsection (b)(2) of this section may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“Wine” § 1–101

**(A) “COMMISSION” DEFINED.**

**IN THIS SECTION, “COMMISSION” MEANS THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION.**

**(B) ESTABLISHED.**

**THERE IS A CLASS B–ECR (EQUESTRIAN CENTER RESTAURANT) BEER, WINE, AND LIQUOR LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE COMMISSION ON THE APPLICATION AND QUALIFICATION OF THE COMMISSION.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK FOR ON–PREMISES CONSUMPTION IN THE COMMISSION’S EQUESTRIAN CENTER RESTAURANT BY THE LICENSE HOLDER OR A PRIVATE CONCESSIONAIRE UNDER CONTRACT WITH THE LICENSE HOLDER TO OPERATE THE LICENSED PREMISES.**

**(E) PROFIT FROM THE SALE OF BEER, WINE, AND LIQUOR.**

**PROFIT FROM THE SALE OF BEER, WINE, AND LIQUOR BY THE LICENSE HOLDER MAY BE FOR THE USE OF THE COMMISSION.**

**(F) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 26–2004 OF THIS TITLE.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,420.**

**REVISOR’S NOTE:** Subsections (a) through (e) and (g) of this section are new language derived without substantive change from former Art. 2B, § 6–201(r)(11)(i) through (iv), (v)1, and (vi).

Subsection (f) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class B beer, wine, and liquor license in Prince George's County.

In subsection (b) of this section, the former reference to a "7-day" license is deleted for consistency in license names throughout this article.

In subsection (d) of this section, the former limitation that the license authorizes the license holder to sell beer, wine, and liquor "for the exclusive use" on the premises of the Equestrian Center restaurant is deleted as implicit in the word "authorizes".

Also in subsection (d) of this section, the former reference to the Equestrian Center restaurant "located within Prince George's County" is deleted as unnecessary in light of the organization of this revised article.

In subsection (e) of this section, the former reference to the use "and benefit" is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, subsection (c) of this section, which authorizes the Board to issue the license to the Commission "on the application and qualification of the Commission" appears to vary from the usual Board practice of issuing licenses to individuals and not entities.

Defined terms: "Beer" § 1-101

"Board" § 26-101

"Restaurant" § 1-101

"Wine" § 1-101

#### **26-1011. FRATERNAL/SORORAL/SERVICE ORGANIZATION LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (FRATERNAL/SORORAL/SERVICE ORGANIZATION) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A LODGE OR CHAPTER OF A NONPROFIT AND NATIONWIDE FRATERNAL, SORORAL, OR SERVICE ORGANIZATION THAT:**

**(1) IS COMPOSED SOLELY OF INDUCTED MEMBERS;**

(2) WAS OPERATING IN THE COUNTY BEFORE THE LICENSE APPLICATION WAS MADE;

(3) HAS AT LEAST 100 MEMBERS PAYING DUES OF AT LEAST \$5 PER YEAR PER MEMBER; AND

(4) OWNS OR OPERATES A HOME OR CLUBHOUSE THAT IS PRINCIPALLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION BY A MEMBER OR GUEST ACCOMPANIED BY A MEMBER.

(2) THE LICENSE HOLDER MAY ALLOW A PERSON THAT HAS LEASED A PRIVATE ROOM OR OTHER AREA OF THE LICENSED PREMISES FOR A PRIVATE SOCIAL GATHERING TO BRING BEER, WINE, AND LIQUOR ONTO THE LICENSED PREMISES FOR ON-PREMISES CONSUMPTION.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE, EXCEPT THAT RESTRICTIONS ON THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAY DO NOT APPLY.

(E) FEE.

**THE ANNUAL LICENSE FEE IS \$910.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(r)(3) and, as it related to the Board issuing the license, the first sentence of (a)(1).

In subsection (a) of this section, the reference to a fraternal/sororal/service "organization" is added for clarity.

In the introductory language of subsection (b) of this section, the reference to "sororal" is added for consistency with subsection (a) of this section.

Also in the introductory language of subsection (b) of this section, the reference to the "Board" is substituted for the former reference to the "license issuing

authority of the county in which the place of business is located” for brevity and clarity.

Also in the introductory language of subsection (b) of this section, the former reference to a “bona fide” organization is deleted as surplusage. Similarly, in subsection (b)(3) of this section, the former reference to a “bona fide” membership is deleted.

In subsection (b)(1) of this section, the reference to “inducted” members is substituted for the former reference to members “duly elected and initiated in accordance with the rites and customs of the fraternal, sororal, or service organization” for brevity.

In subsection (b)(2) of this section, the former reference to a club “in existence” for 1 year is deleted as included in the reference to a club “operating” for 1 year.

In subsection (b)(4) of this section, the former requirement that an organization “not [be] directly or indirectly owned or operated as a public business” is deleted as unnecessary because the organization must be nonprofit.

In subsections (c) and (d) of this section, the references to “beer, wine, and liquor” are substituted for the former, broader references to “alcoholic beverages” for clarity.

In subsection (c)(1) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c)(1) of this section, the former reference to selling “at retail” is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title” is substituted for the former reference to the “licensee [being] subject to all the provisions of this article relating to beer, wine and liquor license, Class C, in force and effect in Prince George’s County” for clarity and consistency with other similar provisions on hours and days of sale in this article.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“Wine” § 1–101

## **26–1012. GOLF COURSE LICENSE.**



**(A) “COMMISSION” DEFINED.**

**IN THIS SECTION, “COMMISSION” MEANS THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION.**

**(B) ESTABLISHED.**

**THERE IS A CLASS B–GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE FOR USE ON THE LICENSED PREMISES OF A GOLF COURSE IN THE COUNTY UNDER THE JURISDICTION OF THE COMMISSION.**

**(C) AUTHORIZED HOLDER.**

**(1) THE BOARD SHALL ISSUE A LICENSE TO EACH MANAGER OF A GOLF COURSE OF THE COMMISSION WHO APPLIES AND QUALIFIES AS A LICENSE HOLDER.**

**(2) A SEPARATE LICENSE IS REQUIRED FOR EACH GOLF COURSE.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FROM ONE OR MORE OUTLETS FOR ON–PREMISES CONSUMPTION ON THE GOLF COURSE.**

**(E) HOURS AND DAYS OF SALE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE HOURS AND DAYS OF SALE FOR BEER, WINE, AND LIQUOR ARE FROM 9 A.M. TO 10 P.M. DAILY, MONDAY THROUGH SUNDAY.**

**(2) THE COMMISSION MAY:**

**(I) REDUCE THE HOURS OF SALE OF BEER, WINE, AND LIQUOR;**  
**AND**

**(II) DISCONTINUE THE SALE OF BEER, WINE, AND LIQUOR FROM LABOR DAY THROUGH MEMORIAL DAY.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–505(b) and (a)(1) and (3).

Subsection (b) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to a “7–day” license is deleted for consistency in license names throughout this article.

Also in subsection (b) of this section, the former reference to “the exclusive” use is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to each “applicable” golf course is deleted as surplusage.

In subsection (e)(2) of this section, the former references to the sale of beer, wine, and liquor “under this license” are deleted as surplusage.

Former Art. 2B, § 8–505(a)(2), which defined “Board” to mean the Prince George’s County Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 26–101 of this article.

Defined terms: “Beer” § 1–101  
“Board” § 26–101  
“County” § 26–101  
“Jurisdiction” § 1–101  
“Wine” § 1–101

#### **26–1013. RACETRACK LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A B–RT (RACETRACK) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED FOR:**

**(1) AN AGRICULTURAL ASSOCIATION, AGRICULTURAL FAIR ASSOCIATION, OR OTHER ASSOCIATION AUTHORIZED TO CONDUCT RACING UNDER TITLE 11 OF THE BUSINESS REGULATION ARTICLE WHERE RESTAURANT FACILITIES ARE AVAILABLE;**

**(2) AN AUTHORIZED CONCESSIONAIRE OF AN ASSOCIATION SPECIFIED IN ITEM (1) OF THIS SUBSECTION; OR**

**(3) AN ORGANIZATION, ON A DAY OTHER THAN A RACING DAY, WHEN THE PREMISES AND FACILITIES OF AN ASSOCIATION SPECIFIED IN ITEM (1) OF THIS SUBSECTION ARE USED FOR A LIMITED TIME FOR:**

**(I) A LEGITIMATE THEATRICAL PRODUCTION;**

**(II) A SOCIAL RECEPTION; OR**

**(III) AN ENTERTAINMENT EVENT CONDUCTED BY:**

**1. A CLUB, A SOCIETY, OR AN ASSOCIATION;**

**2. A RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS, OR CHARITABLE ORGANIZATION; OR**

**3. A HOSPITAL SUPPORTING ORGANIZATION.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(D) RESIDENCY REQUIREMENT.**

**TO OBTAIN THE LICENSE, AT LEAST ONE OFFICER OF THE APPLICANT SHALL BE A RESIDENT OF THE STATE.**

**(E) FEE.**

**THE LICENSE FEE IS \$60 PER DAY FOR EACH DAY THE LICENSE IS USED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added as the standard introductory language to a license section.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 6-201(r)(3)(i) and the first sentence of (ii) and, as it related to a Class B beer, wine, and liquor license in Prince George's County, (a)(1).

In the introductory language of subsection (b) of this section, the reference to a license issued "for" the listed entities is substituted for the former reference to a license issued "to" the listed entities for accuracy.

In subsection (b)(1) of this section, the reference to “Title 11 of the Business Regulation Article” is substituted for the former reference to “the provisions of the Maryland Horse Racing Act” for clarity.

In subsection (b)(1) and (2) of this section, the former references to a “duly” authorized association and concessionaire are deleted as surplusage.

In subsection (b)(2) of this section, the reference to “an association specified in item (1) of this subsection” is substituted for the former references to “any association” and “any other association” for clarity. Similarly, in subsection (b)(3) of this section, the reference to “an association specified in item (1) of this subsection” is substituted for the former reference to “this association”.

In the introductory language of subsection (b)(3) of this section, the reference to “a day other than a racing day” is substituted for the former reference to “any other day, exclusive of racing days” for clarity.

In the introductory language of subsection (b)(3)(iii) of this section, the reference to an entertainment “event” is added for clarity.

Also in the introductory language of subsection (b)(3)(iii) of this section, the former reference to “bona fide” entertainment is deleted as surplusage. Similarly, in subsection (b)(3)(iii)2 of this section, the former reference to a “bona fide” religious organization is deleted.

In subsection (b)(3)(iii)3 of this section, the reference to a hospital “supporting” organization is added for clarity and to conform to the terminology used throughout this article.

In subsection (d) of this section, the reference to “the applicant” is substituted for the former reference to the “corporation or the concessionaire, whichever applies for the license” for brevity.

In subsection (e) of this section, the phrase “for each day the license is used” is substituted for the former phrase “per day for the period of this license” for clarity.

The second sentence of former Art. 2B, § 6–201(r)(3)(ii), which stated that the residency requirements specified in former Art. 2B, § 9–101 as they “pertain[ed] to Prince George’s County do not apply to an issuance, renewal or transfer” of a B–RT license, is deleted as redundant of § 26–1403(a) of this title.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: "Club" § 1-101  
"Restaurant" § 1-101  
"State" § 1-101

**26-1014. STADIUM BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-STADIUM (BASEBALL STADIUM) BEER AND LIGHT WINE LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO:**

**(1) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION; OR**

**(2) A PRIVATE CONCESSIONAIRE THAT IS UNDER CONTRACT WITH THE COMMISSION.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT RETAIL TO CONSUMERS FOR ON-PREMISES CONSUMPTION IN A BASEBALL STADIUM OWNED OR OPERATED BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.**

**(D) PROFITS FROM BEER AND LIGHT WINE SALES.**

**PROFIT FROM THE SALE OF BEER OR LIGHT WINE MADE BY A LICENSE HOLDER MAY ACCRUE TO THE USE OF THE COMMISSION OR THE CONCESSIONAIRE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,420.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(r)(4)(i) through (v) and (vii).

In subsection (a) of this section, the former reference to a "7-day" license is deleted for consistency in license names throughout this article.

In the introductory language of subsection (b) of this section, the reference to the “Board” is added to state expressly what was only implied in the former law, that the Board is the unit that issues the license.

In subsection (c) of this section, the former phrase “only for exclusive use” is deleted as surplusage.

Also in subsection (c) of this section, the reference to “beer and light wine” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (d) of this section, the former reference to the use and “benefit” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“Wine” § 1–101

#### **26–1015. STADIUM BEER, WINE, AND LIQUOR LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR STADIUM LICENSE.**

##### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE BOTTLE, FROM ONE OR MORE OUTLETS, FOR ON–PREMISES CONSUMPTION.**

**(2) THE LICENSE MAY BE EXERCISED ONLY AT A STADIUM LOCATED IN LANDOVER OCCUPIED BY A NATIONAL FOOTBALL LEAGUE FRANCHISE.**

##### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$21,780.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(13).

In subsection (a) of this section, the former reference to a “7–day” license is deleted for consistency in license names throughout this article.

In subsection (b)(2) of this section, the reference to “a stadium located in Landover occupied by a National Football League franchise” is substituted for the former reference to “the Redskins Stadium” for accuracy.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

#### **26–1016. THEME PARK LICENSE.**

##### **(A) “THEME PARK” DEFINED.**

**IN THIS SECTION, “THEME PARK” MEANS AN ENTERTAINMENT COMPLEX THAT INCLUDES ROLLER COASTERS AND OTHER RIDES, SHOWS, A WATER PARK, RESTAURANTS, AND SHOPS.**

##### **(B) ESTABLISHED.**

**THERE IS A CLASS B–TP (THEME PARK) BEER, WINE, AND LIQUOR LICENSE.**

##### **(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR A THEME PARK IN MITCHELLVILLE TO AN APPLICANT WHO FILES:**

**(1) AN APPLICATION ON A FORM THAT THE BOARD PROVIDES; AND**

**(2) THE POLICIES OF THE THEME PARK FOR THE SPONSORSHIP OF SPECIAL EVENTS HELD WHEN:**

**(I) THE THEME PARK IS CLOSED TO THE PUBLIC; AND**

**(II) BEER, WINE, AND LIQUOR IS SOLD.**

##### **(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK IN THE THEME PARK, FROM ONE OR MORE OUTLETS, FOR ON–PREMISES CONSUMPTION.**

**(E) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS RELATING TO THE SERVING OF BEER, WINE, AND LIQUOR AND THE HOURS AND DAYS OF SALE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$4,290.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(16).

In subsection (b) of this section, the former reference to a “7–day” license is deleted for consistency in license names throughout this article.

In the introductory language of subsection (c) of this section, the reference to the authority of the Board to “issue the license for a theme park” is substituted for the former reference to “[t]he license privileges may be exercised only at a theme park” to conform to the terminology used throughout this article.

In subsections (c)(2)(ii) and (e) of this section, the references to “beer, wine, and liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (d) of this section, the former reference to consumption on the licensed premises “only” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“Restaurant” § 1–101

“Wine” § 1–101

**26–1017. VETERANS’ ORGANIZATION OR CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (VETERANS’ ORGANIZATION OR CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD SHALL ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A NATIONWIDE NONPROFIT VETERANS’ ORGANIZATION OR CLUB THAT:**



(1) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;

(2) HAS A CHARTER FROM A NATIONAL VETERANS' ORGANIZATION THAT WAS GRANTED BEFORE THE LICENSE APPLICATION WAS MADE;

(3) HAS AT LEAST 100 MEMBERS PAYING DUES OF AT LEAST \$5 PER YEAR PER MEMBER;

(4) OPERATES ONLY FOR ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND

(5) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$910.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(r)(2)(i) through (iii) and, as it related to hours and days of sale, (iv) and, as it related to Prince George's County, (a)(1).

In subsection (a) of this section, the reference to a veterans' "organization or club" is added for clarity.

In the introductory language of subsection (b) of this section, the reference to a "veterans" club is added for clarity.

Also in the introductory language of subsection (b) of this section, the reference to the "Board" is substituted for the former reference to the "license issuing

authority of the county in which the place of business is located” for brevity and clarity.

Also in the introductory language of subsection (b) of this section, the former reference to a “bona fide” organization or club is deleted as surplusage. Similarly, in subsection (b)(1)(iii) of this section, the former reference to “bona fide” members is deleted.

In subsection (b)(2) of this section, the reference to a charter “that was granted” before the license application was made is added for clarity.

In subsection (b)(5) of this section, the reference to a clubhouse used for “its members and guests when accompanied by members” is substituted for the former reference to “no other purpose” for clarity.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former, broader reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former reference to “at any club” is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title” is substituted for the former reference to the “licensee is subject to all other provisions of this article relating to beer, wine and liquor licenses, Class C, in force and effect in Prince George’s County” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 6–301(r)(1), which stated that former Art. 2B, § 6–301(r) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–301(r)(2)(iv), which stated that the license holder is subject to all other provisions of this article relating to Class C beer, wine, and liquor licenses in force and effect in Prince George’s County, except as it related to hours and days of sale for this license, is deleted as an unnecessary statement of common practice.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“Club” § 1–101

“Wine” § 1–101

**26-1018. WATERFRONT LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS D (WATERFRONT) BEER AND WINE LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY AN ESTABLISHMENT IN A WATERFRONT ENTERTAINMENT RETAIL COMPLEX, AS DEFINED IN THE COUNTY ZONING ORDINANCE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES OR OFF-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER AND WINE FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$660.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(r)(2)(ii), (iii), (v), and (vi) and, as it related to Prince George's County, the second sentence of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to a "special" Class D license is deleted as surplusage.

In subsection (c) of this section, the reference to "on-premises and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Also in subsection (c) of this section, the former reference to selling “at retail” is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell beer and wine” from 9 a.m. to 2 a.m. the following day is substituted for the former reference to the “hours of operation are” from 9 a.m. to 2 a.m. the following day for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 5–401(r)(2)(i), which stated that former Art. 2B, § 5–401(r)(2) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 5–401(r)(2)(iv), which stated that a license holder need not meet any food requirements, is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“County” § 26–101  
“Wine” § 1–101

#### **26–1019. YACHT CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (YACHT CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) SIGNATORY REQUIRED FOR LICENSE APPLICATION.**

**THE APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE YACHT CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND TAXPAYER OF THE COUNTY.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A YACHT CLUB THAT:**

**(1) HAS AT LEAST 50 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND**

**(2) AT THE TIME OF APPLICATION FOR THE LICENSE, MAINTAINS:**

**(I) A CLUBHOUSE WITH A SEATING CAPACITY OF AT LEAST 100;**

**(II) SLIPS OR BERTHS FOR AT LEAST 75 BOATS; AND**

(III) AT LEAST 5 ACRES.

(D) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION BY A MEMBER OF THE YACHT CLUB OR A GUEST WHEN ACCOMPANIED BY A MEMBER.

(E) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE.

(F) SUNDAY SALES.

THE LICENSE HOLDER IS NOT SUBJECT TO THE RESTRICTIONS ON THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY IN § 26-1004(I)(2) OF THIS TITLE.

(G) FEE.

THE ANNUAL LICENSE FEE IS \$1,575.

REVISOR'S NOTE: Subsections (a) through (d), (f), and (g) of this section are new language derived without substantive change from former Art. 2B, § 6-301(r)(4)(i) through (v), the second sentence of (vi), and (vii), and, as it related to the Board issuing the license, the first sentence of (a)(1).

Subsection (e) of this section is new language added for clarity.

In subsection (b) of this section, the former reference to a license "filed on behalf of any such yacht club" is deleted as surplusage.

In the introductory language of subsection (c) of this section, the reference to the "Board" is substituted for the former reference to the "license issuing authority of the county in which the place of business is located" for brevity and clarity.

In subsection (c)(1) of this section, the former reference to "bona fide" members is deleted as surplusage.

In subsection (c)(2)(i) of this section, the reference to a seating capacity "of at least 100" is substituted for the former reference to a seating capacity "sufficient to accommodate at one time at least 100 persons" for brevity.

In subsection (c)(2)(iii) of this section, the former reference to 5 acres “of ground” is deleted as surplusage.

In subsection (d) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (d) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (d) of this section, the former references to selling “at retail” and “at the place described in the license” are deleted as surplusage.

Also in subsection (d) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

The first sentence of former Art. 2B, § 6–301(r)(4)(vi), which stated that the license holder is subject to all other provisions of this article relating to Class C beer, wine, and liquor licenses in force and effect in Prince George’s County, is deleted as an unnecessary statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section, the requirements that an applicant be a resident, registered voter, and taxpayer of the County may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“Wine” § 1–101

## **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

### **26–1101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND

(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).

(B) EXCEPTION.

SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATION.

SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26-1102 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101  
 “County” § 26-101  
 “License” § 1-101  
 “License holder” § 1-101  
 “Wine” § 1-101

**26-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

(A) AUTHORIZED PERMIT HOLDER.

THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE WITH OFF-SALE PRIVILEGES.

(B) APPLICATION FORM.

AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.

(C) HOURS OF SALE.

THE HOURS OF SALE FOR THE PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND

(2) END AT MIDNIGHT.

(D) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(E) FEE.

THE BOARD SHALL SET AN ANNUAL PERMIT FEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–217.1(d) through (g).

In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

In subsection (b) of this section, the former language “[b]efore the Board issues a refillable container permit to an applicant” is deleted because it merely states the normal practice of the Board.

In subsection (c)(1) of this section, the reference to the “underlying license” is substituted for the former reference to the “license already held by the person to whom the refillable container permit is issued” for brevity.

Former Art. 2B, § 8–103(a)(1)(vi), which stated that former Art. 2B, § 8–103 applied with respect to draft beer in Prince George’s County, and former Art. 2B, § 8–217.1(a), which stated that former Art. 2B, § 8–217.1 applied only in Prince George’s County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–217.1(b), which defined “Board” to mean the Board of License Commissioners, is deleted as redundant of the defined term “Board” in § 26–101 of this title.

Former Art. 2B, § 8–217.1(c), which stated that there is a refillable container permit in Prince George’s County, is deleted as unnecessary in light of § 26–1101(c) of this subtitle.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“Wine” § 1–101

**26–1103. ENTERTAINMENT PERMIT.**



**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A LICENSE HOLDER THAT SEEKS TO PROVIDE ENTERTAINMENT IF:**

**(1) THE LICENSE OF THE LICENSE HOLDER IS ISSUED UNDER § 26-1003, § 26-1006, § 26-1008, § 26-1009, § 26-1010, § 26-1011, § 26-1014, § 26-1015, OR § 26-1016 OF THIS TITLE;**

**(2) THE BOARD DETERMINES THAT THE LICENSE HOLDER'S PRINCIPAL BUSINESS IS TO PROVIDE FAMILY ENTERTAINMENT;**

**(3) THE LICENSE IS A CLASS B (ON-SALE) LICENSE ISSUED FOR A RESTAURANT, AND THE LICENSE HOLDER PROVIDES ENTERTAINMENT FOR ADULTS AND CHILDREN THAT:**

**(I) IS ANCILLARY TO THE OPERATION OF THE BUSINESS; AND**

**(II) IS NOT THE PRIMARY FOCUS OF MARKETING OR PROMOTION FOR THE BUSINESS; OR**

**(4) THE LICENSE IS A VETERANS OR FRATERNAL CLASS C LICENSE AND THE LICENSE HOLDER PROVIDES ENTERTAINMENT THAT:**

**(I) IS UNDER THE DIRECT SUPERVISION OF THE LICENSE HOLDER;**

**(II) IS FOR ADULTS, CHILDREN, AND FAMILIES OF THE ORGANIZATION OR THE PUBLIC; AND**

**(III) WHEN OFFERED, ENDS NOT LATER THAN MIDNIGHT.**

**(B) ESTABLISHED.**

**THERE IS AN ENTERTAINMENT PERMIT.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B (ON-SALE) LICENSE IN ACCORDANCE WITH THIS SECTION.**

**(D) SCOPE OF AUTHORIZATION.**

(1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PERMIT AUTHORIZES THE PERMIT HOLDER TO IMPOSE A COVER CHARGE, OFFER FACILITIES FOR PATRON DANCING, AND PROVIDE ENTERTAINMENT.

(II) THE PERMIT HOLDER SHALL COMPLY WITH ALL REQUIREMENTS UNDER COUNTY LAW, INCLUDING ZONING AND USE AND OCCUPANCY LAWS.

(2) THE BOARD SHALL DETERMINE THE NUMBER OF DAYS IN A WEEK THAT A PERMIT HOLDER MAY EXERCISE THE PRIVILEGES OF THE PERMIT.

(3) THE PERMIT IS IN EFFECT FROM 9 P.M. TO 2 A.M. THE FOLLOWING DAY.

(E) REQUIREMENTS FOR APPLICANT.

BEFORE BEING ISSUED THE PERMIT, AN APPLICANT SHALL:

(1) SUBMIT EVIDENCE TO THE SATISFACTION OF THE BOARD THAT:

(I) THE APPLICANT HOLDS A CLASS B (ON-SALE) LICENSE;

(II) THERE ARE NO UNPAID TAXES DUE FROM THE APPLICANT TO THE STATE, THE COUNTY, OR A MUNICIPAL CORPORATION; AND

(III) THE APPLICANT MEETS ALL OTHER REQUIREMENTS FOR THE PERMIT; AND

(2) (I) DEVELOP A SECURITY PLAN TO PREVENT THE PREMISES FOR WHICH THE PERMIT IS SOUGHT FROM POSING A THREAT TO THE PEACE AND SAFETY OF THE SURROUNDING AREA; AND

(II) SUBMIT THE PLAN FOR REVIEW TO THE BOARD AND THE CHIEF OF THE COUNTY POLICE DEPARTMENT.

(F) SECURITY PLAN.

(1) THE CHIEF OF THE COUNTY POLICE DEPARTMENT MAY SUBMIT COMMENTS TO THE BOARD ON THE ADEQUACY OF THE SECURITY PLAN WITHIN 30 DAYS AFTER RECEIPT OF THE SECURITY PLAN.

(2) THE BOARD SHALL CONSIDER THE COMMENTS, IF ANY, OF THE CHIEF OF THE COUNTY POLICE DEPARTMENT AND SUBSEQUENTLY ISSUE THE

PERMIT, REFUSE TO ISSUE THE PERMIT, OR CONDITION THE ISSUANCE OF THE PERMIT ON CHANGES TO THE SECURITY PLAN.

(3) IF THE BOARD ISSUES THE PERMIT WITH A SECURITY PLAN THAT THE CHIEF OF THE COUNTY POLICE DEPARTMENT DOES NOT SUPPORT, THE BOARD SHALL SPECIFY IN WRITING TO THE CHIEF OF THE COUNTY POLICE DEPARTMENT THE REASONS WHY THE BOARD HAS DETERMINED THAT THE SECURITY PLAN IS ADEQUATE.

(G) PUBLIC HEARING REQUIRED.

(1) BEFORE ISSUING THE PERMIT, THE BOARD SHALL HOLD A PUBLIC HEARING IN ACCORDANCE WITH THE REQUIREMENTS FOR A PUBLIC HEARING ON AN APPLICATION FOR A LICENSE UNDER § 26-1511 OF THIS TITLE.

(2) AT THE PUBLIC HEARING, THE BOARD SHALL GIVE THE APPLICANT, SUPPORTERS OF THE APPLICANT, AND OPPONENTS OF THE APPLICANT AN OPPORTUNITY TO BE HEARD.

(3) IN MAKING ITS DETERMINATION WHETHER TO APPROVE THE APPLICATION AND ISSUE THE PERMIT, THE BOARD SHALL CONSIDER WHETHER:

(I) APPROVAL AND ISSUANCE OF THE PERMIT IS NECESSARY FOR THE ACCOMMODATION OF THE PUBLIC;

(II) THE APPLICANT IS A FIT PERSON TO RECEIVE THE PERMIT;

(III) THE APPLICANT HAS MADE A MATERIAL FALSE STATEMENT IN THE APPLICATION;

(IV) THE APPLICANT HAS COMMITTED ANY FRAUDULENT ACT IN CONNECTION WITH THE APPLICATION;

(V) THE OPERATION OF THE BUSINESS, IF THE PERMIT IS ISSUED, WILL UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE NEIGHBORHOOD WHERE THE PLACE OF BUSINESS IS LOCATED OR TO BE LOCATED; AND

(VI) THERE ARE ANY OTHER REASONS THAT JUSTIFY THE DISAPPROVAL OF THE APPLICATION OR THE REFUSAL TO ISSUE THE PERMIT.

(4) THE BOARD SHALL HOLD A SIMILAR PUBLIC HEARING ON RECEIPT OF A PETITION TO:

- (I) REVOKE THE PERMIT; OR
- (II) PROTEST THE RENEWAL OF THE PERMIT.

**(H) IMPLEMENTATION OF SECURITY PLAN.**

**THE PERMIT HOLDER:**

(1) SHALL IMPLEMENT AND FOLLOW THE APPROVED SECURITY PLAN DESCRIBED UNDER SUBSECTION (E)(2) OF THIS SECTION AT ALL TIMES WHEN THE PERMIT HOLDER EXERCISES THE PRIVILEGES OF THE PERMIT;

(2) WHEN THE PRIVILEGES AUTHORIZED BY THE PERMIT ARE BEING EXERCISED, MAY NOT ALLOW AN INDIVIDUAL WHO IS UNDER THE AGE OF 21 YEARS ON THE PREMISES FOR WHICH THE PERMIT IS ISSUED UNLESS THE INDIVIDUAL IS EMPLOYED BY OR IS AN IMMEDIATE FAMILY MEMBER OF THE PERMIT HOLDER; AND

(3) MAY EMPLOY SWORN SECURITY PERSONNEL AS PART OF THE SECURITY PLAN DESCRIBED UNDER SUBSECTION (E)(2) OF THIS SECTION IF THE SWORN SECURITY PERSONNEL HAVE FULL POLICE POWERS IN THE JURISDICTION WHERE THE PREMISES OF THE PERMIT HOLDER IS LOCATED.

**(I) RESTRICTIONS ON ENTERTAINMENT.**

THE BOARD AT ANY TIME MAY PROHIBIT, CONDITION, OR RESTRICT THE TYPE OF ENTERTAINMENT OFFERED BY A PERMIT HOLDER, INCLUDING LEWD, EXOTIC, LOUD, OR RAUCOUS ENTERTAINMENT, IF AFTER A HEARING THE BOARD DETERMINES THAT THE ENTERTAINMENT:

(1) ADVERSELY IMPACTS OR UNDULY DISTURBS THE COMMUNITY;  
AND

(2) IS NOT CONDUCTIVE TO THE PEACE, HEALTH, WELFARE, OR SAFETY OF THE RESIDENTS OF THE COUNTY.

**(J) SUSPENSION OR REVOCATION OF PERMIT.**

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY IMMEDIATELY SUSPEND THE PERMIT IF THE BOARD REASONABLY BELIEVES THAT THE PERMIT HOLDER:

- (I) VIOLATED THIS SECTION; OR

(II) IS NOT IN COMPLIANCE WITH A COUNTY ZONING PROPERTY STANDARD OR USE AND OCCUPANCY REQUIREMENT.

(2) IF THE BOARD IMMEDIATELY SUSPENDS A PERMIT, THE BOARD SHALL:

(I) GIVE THE PERMIT HOLDER NOTICE OF THE SUSPENSION AND A HEARING ON THE SUSPENSION AT WHICH THE PERMIT HOLDER MAY BE HEARD AND PRESENT EVIDENCE; AND

(II) HOLD THE HEARING WITHIN 30 DAYS AFTER THE SUSPENSION IS IMPOSED.

(K) HEARING ON SUSPENSION.

(1) AT THE HEARING, THE BOARD SHALL DETERMINE:

(I) WHETHER THE PERMIT HOLDER VIOLATED THIS SECTION OR OTHER LAW; AND

(II) IF A VIOLATION OCCURRED, WHAT PENALTY TO IMPOSE AMONG THOSE LISTED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF THE BOARD FINDS THAT A PERSON HAS VIOLATED THIS SECTION OR ANY OTHER LAW, THE BOARD:

(I) MAY REVOKE OR CONTINUE THE SUSPENSION OF THE PERMIT; AND

(II) SHALL IMPOSE ON THE PERSON A PENALTY OF:

1. FOR A FIRST OFFENSE, AT LEAST \$1,000 BUT NOT MORE THAN \$12,500; AND

2. FOR EACH SUBSEQUENT OFFENSE, AT LEAST \$5,000.

(3) THE BOARD:

(I) SHALL REVOKE THE PERMIT OF A PERSON WHO THE BOARD DETERMINES VIOLATED THIS SECTION OR ANY OTHER LAW TWICE IN 24 MONTHS; AND

(II) MAY NOT CONSIDER AN APPLICATION FROM THE PERSON FOR A NEW PERMIT OR AN APPLICATION FOR A NEW PERMIT FOR THE PREMISES THAT WAS THE SUBJECT OF THE REVOCATION UNTIL AT LEAST 12 MONTHS AFTER THE ORDER OF REVOCATION IS ISSUED.

(4) IF THE BOARD DETERMINES THAT THE PERMIT HOLDER DID NOT VIOLATE THIS SECTION, THE BOARD SHALL IMMEDIATELY REINSTATE THE PERMIT.

(L) TEMPORARY RESTRAINING ORDER.

(1) THE CIRCUIT COURT MAY ISSUE A TEMPORARY RESTRAINING ORDER TO IMMEDIATELY CLOSE TO THE PUBLIC THE ENTIRE OPERATION OF THE PREMISES IF THE COUNTY ESTABLISHES THAT:

(I) THE SECURITY PLAN DESCRIBED UNDER SUBSECTION (E)(2) OF THIS SECTION HAS NOT BEEN IMPLEMENTED; AND

(II) THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.

(2) ON ISSUANCE OF A TEMPORARY RESTRAINING ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY SHALL GIVE THE PERMIT HOLDER WRITTEN NOTICE OF AND REASONS FOR THE CLOSURE.

(3) THE PERMIT HOLDER PROMPTLY SHALL BE GIVEN AN OPPORTUNITY FOR A HEARING IN CIRCUIT COURT ON THE GRANTING OF THE TEMPORARY RESTRAINING ORDER IN ACCORDANCE WITH TITLE 15, CHAPTER 500 OF THE MARYLAND RULES.

(M) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(N) FEE.

THE ANNUAL FEE FOR THE PERMIT IS \$1,500, WHICH IS IN ADDITION TO THE ANNUAL FEE FOR THE CLASS B LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(r)(19).

In subsection (d)(1)(ii) of this section, the former reference to "regulations" is deleted as included in the reference to "laws".

In subsection (g)(1) of this section, the former phrase “approving an application” is deleted as implicit in the phrase “issuing the permit”.

Defined terms: “Board” § 26–101

“County” § 26–101

“License” § 1–101

“License holder” § 1–101

“On-sale” § 1–101

“Person” § 1–101

“Restaurant” § 1–101

“State” § 1–101

**26–1104. SUNDAY OFF–SALE PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A SUNDAY OFF–SALE PERMIT.**

**(B) AUTHORIZED HOLDER.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE PERMIT TO THE HOLDER OF:**

**(I) A CLASS A BEER, WINE, AND LIQUOR LICENSE; OR**

**(II) A CLASS B BEER, WINE, AND LIQUOR LICENSE WITH AN OFF–SALE PRIVILEGE.**

**(2) THE BOARD MAY NOT ISSUE A SUNDAY OFF–SALE PERMIT TO A LICENSE HOLDER THAT THE BOARD FINDS TO HAVE SOLD LIQUOR ON SUNDAY WITHOUT A SUNDAY OFF–SALE PERMIT.**

**(C) SCOPE OF AUTHORIZATION.**

**THE PERMIT AUTHORIZES THE HOLDER TO SELL ALCOHOLIC BEVERAGES FOR OFF–PREMISES CONSUMPTION ON SUNDAY FROM 8 A.M. TO MIDNIGHT.**

**(D) REQUIRED REINVESTMENT.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN APPLICANT FOR THE PERMIT SHALL COMMIT IN THE APPLICATION TO REINVESTING A MINIMUM OF \$50,000 IN THE BUSINESS WITHIN 1 YEAR AFTER THE PERMIT IS ISSUED.**

**(2) THE BOARD MAY WAIVE THE REINVESTMENT REQUIREMENT.**

**(3) THE BOARD SHALL REVOKE THE PERMIT IF:**

**(I) THE BOARD DID NOT WAIVE THE REINVESTMENT REQUIREMENT UNDER ITEM (II) OF THIS PARAGRAPH; AND**

**(II) THE PERMIT HOLDER FAILS TO MAKE THE REQUIRED REINVESTMENT.**

**(E) WAIVER OF RESTAURANT OR FOOD REQUIREMENTS.**

**IF THE PERMIT IS ISSUED TO THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE WITH AN OFF-SALE PRIVILEGE, THE HOLDER NEED NOT COMPLY WITH ANY RESTAURANT OR FOOD REQUIREMENT.**

**(F) LIMIT ON PERMITS.**

**NOT MORE THAN 100 SPECIAL SUNDAY OFF-SALE PERMITS MAY BE IN EFFECT AT ANY ONE TIME.**

**(G) FEES.**

**(1) THE APPLICATION FEE FOR THE PERMIT IS \$750.**

**(2) THE ANNUAL FEES FOR THE PERMIT ARE:**

**(I) \$2,590 FOR THE HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE; AND**

**(II) \$1,080 FOR THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE WITH AN OFF-SALE PRIVILEGE.**

**(3) THE FEES LISTED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION ARE IN ADDITION TO THE ANNUAL FEE FOR THE CLASS A BEER, WINE, AND LIQUOR LICENSE OR CLASS B BEER, WINE, AND LIQUOR LICENSE TO WHICH IT IS ATTACHED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-517(l)(1) through (3) and (5) through (10).



In subsection (b)(1) of this section, the former reference to a Class B beer, wine and liquor license with an off-sale privilege “under 6–201(r)(2)(ii) of this article” is deleted as surplusage.

Former Art. 2B, § 11–517(l)(4), which prohibited the Board from issuing a special Sunday off-sale permit to persons who violated a restriction on selling liquor on Sunday between July 1, 2014, and June 30, 2015, is deleted as obsolete.

Former Art. 2B, § 11–517(l)(11), which authorized the Board to adopt regulations to implement the provisions of this section relating to the issuance of a Sunday off-sale permit, is deleted as unnecessary because the Board has the power to adopt regulations under § 26–208 of this title.

Defined terms: “Board” § 26–101

“License” § 1–101

“Off-sale” § 1–101

“Restaurant” § 1–101

#### **26–1105. SUNDAY ON-SALE PERMIT.**

##### **(A) ESTABLISHED.**

**THERE IS A SUNDAY ON-SALE PERMIT.**

##### **(B) AUTHORIZED PERMIT HOLDER.**

**THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE WHO MEETS THE STANDARDS SET OUT IN §§ 26–902 AND 26–903 OF THIS TITLE.**

##### **(C) SCOPE OF AUTHORIZATION.**

**THE PERMIT AUTHORIZES THE PERMIT HOLDER ON SUNDAY TO SELL BEER, WINE, AND LIQUOR BY THE DRINK FROM THE BAR OR A COCKTAIL LOUNGE FOR ON-PREMISES CONSUMPTION.**

##### **(D) HOURS OF SALE.**

**THE HOURS OF SALE ARE FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

##### **(E) PERMIT REQUIREMENTS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR THE BOARD TO ISSUE THE PERMIT, THE AVERAGE DAILY RECEIPTS FROM THE**

SALE OF FOOD SHALL BE AT LEAST 40% OF THE TOTAL DAILY RECEIPTS FROM THE SALE OF “ON-SALE” FOOD AND ALCOHOLIC BEVERAGES AT THE APPLICANT’S LICENSED PREMISES FOR AT LEAST 6 MONTHS BEFORE THE APPLICATION IS SUBMITTED.

**(2) THE BOARD MAY IMMEDIATELY ISSUE THE PERMIT FOR A NEWLY LICENSED ESTABLISHMENT IF:**

**(I) THE BOARD DETERMINES THAT THE APPLICANT MEETS THE SPECIFICATIONS OF §§ 26-902 AND 26-903 OF THIS TITLE FOR THE PREPARATION, SERVING, AND SALE OF FOOD; AND**

**(II) THE LICENSE HOLDER COMPLIES WITH THIS SECTION.**

**(3) AN APPLICANT FOR THE PERMIT SHALL PROVIDE THE BOARD WITH THE EVIDENCE THAT THE BOARD REQUIRES INDICATING THE QUALIFICATIONS OF THE APPLICANT.**

**(F) STATEMENT FROM PERMIT HOLDER REQUIRED.**

**A PERMIT HOLDER SHALL PROVIDE THE BOARD, AT REGULAR INTERVALS THAT THE BOARD ESTABLISHES, A STATEMENT INDICATING IN DETAIL THE RATIO OF FOOD SALES TO THE SALES OF ALCOHOLIC BEVERAGES.**

**(G) REVOCATION.**

**IF THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FAIL FOR 3 SUCCESSIVE MONTHS TO AT LEAST EQUAL 40% OF THE TOTAL DAILY RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES, THE BOARD SHALL REVOKE THE PERMIT.**

**(H) FEE.**

**THE ANNUAL PERMIT FEE IS \$850.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(r)(5)(i) through (iii) and the second, third, and, except as it related to Class BH license holders, fourth sentences of (iv).

In subsection (c) of this section, the former phrase “to keep for sale” is deleted as included in the phrase “to sell”.

In subsection (e) of this section, the reference to “the applicant’s licensed premises” is substituted for the former reference to “the establishments where it is proposed to locate this permit” for brevity.

In subsection (f) of this section, the former phrase “from time to time” is deleted as surplusage.

In subsection (h) of this section, the former reference to the \$850 “which is in addition to the annual fee for the Class B beer, wine and liquor license to which it is attached” is deleted because it is implicit in the reference to a “permit fee”.

The first sentence of former Art. 2B, § 6–201(r)(5)(iv), which stated that the permit is subject to all other provisions of this article “except that any restrictions on the sale of alcoholic beverages on Sunday appearing in § 11–517 of this article and elsewhere may not apply”, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(r)(5)(v), which authorized the Board to adopt regulations it considered necessary relating to special Sunday “on-sale” permits, is deleted as unnecessary because the Board has the power to adopt regulations under § 26–208 of this title.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 26–101

“On-sale” § 1–101

“Wine” § 1–101

## SUBTITLE 12. CATERER’S LICENSES.

### 26–1201. CLASS BCE CATERER’S LICENSE.

**(A) ESTABLISHED.**

**THERE IS A CLASS BCE (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CATERING ESTABLISHMENT.**

**(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE BOARD SHALL ADOPT REGULATIONS THAT DEFINE A CATERING ESTABLISHMENT.**

**(II) THE REGULATIONS ADOPTED BY THE BOARD SHALL REQUIRE A CATERING ESTABLISHMENT TO HAVE:**

**1. A MINIMUM CAPITAL INVESTMENT OF \$1,000,000 FOR DINING ROOM FACILITIES AND KITCHEN EQUIPMENT, EXCLUDING THE COST OF LAND, BUILDINGS, OR A LEASE; AND**

**2. A MINIMUM SEATING CAPACITY OF 150 INDIVIDUALS.**

**(3) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO PROVIDE BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION BY PARTICIPANTS OF CATERED EVENTS ONLY.**

**(C) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL SERVE FOOD WITH THE BEER, WINE, AND LIQUOR.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$3,630.**

**(E) HOURS AND DAYS OF SALE.**

**THE BOARD SHALL ADOPT REGULATIONS SPECIFYING THE HOURS AND DAYS OF SALE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(8).

In subsection (a) of this section, the former reference to a “special Class B ... license ... to be known as Class BCE” is deleted as surplusage in light of the revised structure of this article.

In subsection (b)(2)(i) of this section, the requirement that the Board “adopt” regulations is added for clarity.

In subsection (c) of this section, the requirement that the “license holder” serve food is added for clarity.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“On-sale” § 1–101

“Wine” § 1–101

**SUBTITLE 13. TEMPORARY LICENSES.****PART I. IN GENERAL.****26-1301. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-1202 (“PER DIEM LICENSES”);**

**(2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**

**(3) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);**

**(4) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

**(5) § 4-1208 (“HOURS AND DAYS OF SALE”); AND**

**(6) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).**

**(B) EXCEPTION.**

**SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 26-1314 OF THIS SUBTITLE.**

**(C) VARIATION.**

**SECTION 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 26-1311 AND 26-1313 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 26-101

**26-1302. RESERVED.**

**26-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.****26-1304. WINE FESTIVAL LICENSE.****(A) “FESTIVAL” DEFINED.**

**IN THIS SECTION, “FESTIVAL” MEANS THE PRINCE GEORGE’S COUNTY WINE FESTIVAL.**

**(B) ESTABLISHED.**

**(1) THERE IS A PRINCE GEORGE’S COUNTY WINE FESTIVAL LICENSE.**

**(2) THE BOARD MAY ISSUE ONE LICENSE EACH YEAR.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO DISPLAY AND SELL WINE THAT IS:**

**(1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

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

**(E) TIME AND CONDITIONS FOR DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

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

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

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**(1) THE BOARD SHALL:**

**(I) CHOOSE A LOCATION FOR THE FESTIVAL THAT:**

- 1. IS NOT IN THE 24TH LEGISLATIVE DISTRICT; AND**
- 2. IS NOT ALREADY LICENSED; AND**

**(II) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND WINE.**

**(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH YEAR THE BOARD MAY CHOOSE 1 WEEKEND, FRIDAY THROUGH SUNDAY, INCLUSIVE, FOR THE FESTIVAL.**

**(3) THE WEEKEND CHOSEN FOR THE FESTIVAL MAY NOT:**

**(I) BE WITHIN 14 DAYS BEFORE OR AFTER THE DATES CHOSEN FOR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY; OR**

**(II) CONFLICT WITH THE DATES CHOSEN FOR THE:**

- 1. ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL;**
- 2. CALVERT COUNTY WINE FESTIVAL;**
- 3. CHARLES COUNTY BEER AND WINE FESTIVAL; OR**
- 4. HOWARD COUNTY WINE FESTIVAL.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) INVOICING AND DELIVERY.**

**WINE DISPLAYED AND SOLD SHALL BE:**

**(1) INVOICED TO THE LICENSE HOLDER BY A LICENSED WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND**

**(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

**(I) DELIVERY AGREEMENT.**

**A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

**(1) DELIVER WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND**

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

**(J) FEE.**

**THE BOARD MAY SET THE LICENSE FEE.**

**(K) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–310.2(c) through (i), (a)(1) and (3), and (b)(2).

Subsection (b)(1) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to a “retail” license is substituted for the former reference to a “retail alcoholic beverages” license for brevity.

Also in subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the “license authoriz[ing] the license holder to display and sell wine that” meets specified criteria is substituted for the former reference to the requirement that the “wine shall” meet the criteria for clarity and consistency with terminology used throughout this article.

In subsection (d) of this section, the former requirement that wine must be “[p]rice filed in accordance with regulations that the Comptroller adopts” is deleted as obsolete. See General Revisor’s Note to Division II.

In subsection (f)(1)(i)2 of this section, the reference to a location that “is not already licensed” is substituted for the former reference to a location “which



is not licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(1)(i)2 of this section, the former reference to the Board being required to choose a location for the Festival “in the county” is deleted as surplusage.

In subsection (f)(3) of this section, the former requirement that the weekend for the Festival not “[b]e longer than 3 days” is deleted as unnecessary in light of the language in (f)(2) authorizing the Board to choose “1 weekend, Friday through Sunday, inclusive, for the Festival”.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder of a wine festival license from holding” another license for clarity.

In the introductory language of subsection (h) of this section, the reference to “[w]ine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “wholesaler, winery, or limited winery” and in the introductory language of subsection (i) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for the former reference to “holders of wholesale, winery, or limited winery licenses”.

In the introductory language of subsection (i) of this section, the former phrase “[w]henver a wine festival license is issued under this section” is deleted as surplusage.

In subsection (i)(1) of this section, the reference to delivery “not earlier than” 2 days before the effective date is added for clarity. Similarly, in subsection (i)(2) of this section, the reference to acceptance of returns “not later than” 2 days after the expiration date is added.

Former Art. 2B, § 8–310.2(a)(2), which defined “Board” as meaning the Prince George’s County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 26–101 of this title.

Former Art. 2B, § 8–310.2(b)(1), which stated that former Art. 2B, § 8–310.2 applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Code Revision Committee notes, for consideration by the General Assembly, that in subsection (f)(1)(i)1 of this section, it is unclear whether the reference to “the 24th Legislative District” refers to the legislative district as constituted on the date when the provision was enacted or as constituted today.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“State” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

### **26–1305. BEER TASTING LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A BEER TASTING LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER (B) LICENSE, A BEER AND WINE (BW) LICENSE, OR A BEER, WINE, AND LIQUOR (BWL) LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER FOR TASTING.**

#### **(D) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 3 OUNCES FROM EACH OFFERING OF BEER TO AN INDIVIDUAL.**

#### **(E) FEE.**

**(1) IN ADDITION TO THE COST OF THE BEER AND WINE LICENSE OR BEER, WINE, AND LIQUOR LICENSE, THE ANNUAL LICENSE FEE IS \$120.**

**(2) IN ADDITION TO THE COST OF A BEER LICENSE, THE ANNUAL LICENSE FEE IS \$110.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–409(a)(1), (2)(ii), (3)(ii), (4)(ii), and (5)(i), as they related to the beer tasting license.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to the license “authoriz[ing] the holder” to allow the consumption of beer is added for clarity and consistency with the terminology used throughout this article.

Also in subsection (c) of this section, the former reference to “sampling” is deleted as redundant of the reference to “tasting”.

In subsection (d) of this section, the reference to each “offering” is substituted for the former reference to each “brand” for clarity.

Also in subsection (d) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

Former Art. 2B, § 8-409(c), which authorized the Prince George’s County Board of License Commissioners to adopt rules or regulations providing additional requirements to implement former § 8-409, is deleted as unnecessary in light of the general power of the Board to adopt regulations.

Defined terms: “Beer” § 1-101

“Board” § 26-101

“Wine” § 1-101

#### **26-1306. WINE TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A WINE TASTING LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER AND WINE (BW) LICENSE OR A BEER, WINE, AND LIQUOR (BWL) LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF WINE CONTAINING NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME FOR TASTING.**

**(D) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING OF WINE TO AN INDIVIDUAL.**

**(E) FEE.**

**IN ADDITION TO THE COST OF THE BEER AND WINE LICENSE OR BEER, WINE, AND LIQUOR LICENSE, THE ANNUAL LICENSE FEE IS \$120.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–409(a)(1), (2)(i), (3)(i), (4)(i), and (5)(i) and (ii), as they related to the wine tasting license.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to the license “authoriz[ing] the holder to allow” the consumption of wine is added for clarity and consistency with the terminology used throughout this article.

Also in subsection (c) of this section, the former reference to a “sampling” is deleted as redundant of the reference to “tasting”.

In subsection (d) of this section, the reference to each “offering” is substituted for the former reference to each “given brand” for clarity.

Also in subsection (d) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**26–1307. BEER AND WINE TASTING LICENSE.****(A) ESTABLISHED.**

**THERE IS A BEER AND WINE TASTING LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER AND WINE (BW) LICENSE OR A BEER, WINE, AND LIQUOR (BWL) LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW, FOR TASTING, THE CONSUMPTION OF:**

- (1) BEER; OR**
- (2) WINE CONTAINING NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**
- (D) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL A QUANTITY OF NOT MORE THAN:**

- (1) 1 OUNCE FROM EACH OFFERING OF WINE; OR**
- (2) 3 OUNCES FROM EACH OFFERING OF BEER.**
- (E) FEE.**

**THE BOARD SHALL SET THE ANNUAL LICENSE FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-409(a)(5) and, as they related to the beer and wine tasting license, (1), (2)(i) and (ii)1, (3), and (4).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to the license "authoriz[ing] the holder to allow" the consumption of beer or wine is added for clarity.

Also in subsection (c) of this section, the former reference to "sampling" is deleted as redundant of the reference to "tasting".

In subsection (d) of this section, the reference to an "individual" is substituted for the former, overly broad reference to a "person" for clarity.

Also in subsection (d) of this section, the references to each "offering" are substituted for the former references to each "brand" or each "given brand" for clarity.

Defined terms: "Beer" § 1-101  
 "Board" § 26-101  
 "License" § 1-101  
 "License holder" § 1-101

“Wine” § 1–101

**26–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER, WINE, AND LIQUOR TASTING (BWLTT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER, WINE, AND LIQUOR FOR TASTING.**

**(D) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL A QUANTITY OF NOT MORE THAN:**

**(1) 0.5 OUNCE OF LIQUOR FROM EACH OFFERING AND 1.5 OUNCES FROM ALL OFFERINGS OF LIQUOR IN A DAY;**

**(2) 1 OUNCE FROM EACH OFFERING OF WINE; AND**

**(3) 3 OUNCES FROM EACH OFFERING OF BEER.**

**(E) FEE.**

**THE BOARD SHALL SET THE ANNUAL LICENSE FEE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–409(b).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to the license “authoriz[ing] the holder to allow” the consumption of beer, wine, and liquor is added for clarity and consistency with the terminology used throughout this article.

Also in subsection (c) of this section, the former reference to “sampling” is deleted as redundant of the reference to “tasting”.

In the introductory language of subsection (d) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

Also in subsection (d) of this section, the references to “1 ounce from each offering of wine” and “3 ounces from each offering of beer” are substituted for the former reference to “the limitations on the consumption of beer and wine under subsection (a)(4) of this section” for clarity.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**26–1309. RESERVED.**

**26–1310. RESERVED.**

### **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**26–1311. CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(A) NOTICE TO GOVERNMENT OFFICIALS.**

**WHEN THE BOARD ISSUES A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, THE BOARD SHALL PROVIDE NOTICE OF THE EVENT FOR WHICH THE LICENSE IS ISSUED TO:**

**(1) THE COUNTY POLICE CHIEF;**

**(2) THE COUNTY FIRE CHIEF;**

**(3) THE DIRECTOR OF THE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES; AND**

**(4) IF APPLICABLE, THE CHIEF ADMINISTRATIVE OFFICER OF THE MUNICIPALITY IN WHICH THE EVENT IS TO BE HELD.**

**(B) NOTICE REQUIREMENTS.**

**THE NOTICE SHALL INCLUDE THE TIME, PLACE, AND EXPECTED SIZE OF THE EVENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(d)(13)(iv).

In subsection (a) of this section, the reference to “[t]he Board” determining that the applicant is unqualified is added for clarity.

Former Art. 2B, § 7–101(d)(13)(i), which stated that former Art. 2B, § 7–101(d)(13) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 7–101(d)(13)(v), which stated that the Board may deny an application for the license if it is determined that the applicant does not qualify under this article, is deleted as an unnecessary statement of common practice.

Defined terms: “Board” § 26–101  
“County” § 26–101

**26–1312. CLASS D PER DIEM BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D PER DIEM BEER AND WINE LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE:**

**(I) TO AN INDIVIDUAL; OR**

**(II) ON BEHALF OF AN ENTITY THAT HOLDS AN EVENT IN THE PROPERTY OF A CONCEPTUAL SITE PLAN, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) AT LEAST PART OF THE PROPERTY OF THE CONCEPTUAL SITE PLAN SHALL INCLUDE A WATERFRONT ENTERTAINMENT RETAIL COMPLEX AS DEFINED UNDER THE COUNTY ZONING ORDINANCE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER MAY DISPLAY AND SELL BEER AND WINE AT RETAIL FOR ON–PREMISES AND**



**OFF-PREMISES CONSUMPTION DURING THE HOURS AND DAYS DESIGNATED FOR THE EVENT FOR WHICH THE LICENSE WAS ISSUED.**

**(2) THE BOARD MAY NOT ISSUE THE LICENSE FOR A PERIOD LONGER THAN 7 CONSECUTIVE DAYS.**

**(D) ADDITIONAL LICENSES.**

**A LICENSE HOLDER MAY HOLD ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR NATURE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(11)(iv)1 through 4.

Former Art. 2B, § 7-101(b)(11)(iii), which stated that the Board may deny an application for the license if it is determined that the applicant does not qualify under this article, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 7-101(b)(11)(iv)5, which stated that the Board "may adopt regulations to carry out this subparagraph", is deleted as unnecessary because the Board has the power to adopt regulations under § 26-208 of this title.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 26-101

"County" § 26-101

"License" § 1-101

"Wine" § 1-101

**26-1313. CLASS C (3-DAY) BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (3-DAY) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.**

**(C) LICENSE PERIOD.**

**THE BOARD MAY NOT ISSUE A LICENSE TO AN ORGANIZATION:**

(1) FOR MORE THAN 3 CONSECUTIVE DAYS IN A SINGLE CALENDAR YEAR; OR

(2) IN 2 CONSECUTIVE YEARS.

(D) SCOPE OF AUTHORIZATION.

A LICENSE HOLDER MAY SELL BEER, WINE, OR LIQUOR AT NATIONAL HARBOR FOR ON- AND OFF-PREMISES CONSUMPTION.

(E) PURCHASES FROM AND DONATIONS BY LICENSED WHOLESALER.

(1) A LICENSE HOLDER MAY PURCHASE BEER, WINE, OR LIQUOR ONLY FROM A LICENSED WHOLESALER.

(2) A LICENSED WHOLESALER MAY DONATE ALCOHOLIC BEVERAGES TO THE LICENSE HOLDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(x)(2) through (4), (6), and (7).

Former Art. 2B, § 7-101(x)(1), which stated that former Art. 2B, § 7-101(x) applied only in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 26-101

"License" § 1-101

"Licensed wholesaler" § 1-101

"Wine" § 1-101

## **26-1314. FEES.**

(A) CLASS C PER DIEM BEER, CLASS C PER DIEM BEER AND WINE, AND CLASS D (3-DAY) BEER AND WINE LICENSES.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM BEER AND WINE LICENSE, THE FEE IS \$75 PER DAY.

(2) (I) FOR A CLUB HOLDING A GAMING EVENT, THE FEE IS \$100 PER DAY.

**(II) THE FEE UNDER THIS PARAGRAPH SHALL BE:**

1. PAID BY THE CLUB; AND
2. CONSIDERED AS PART OF THE LICENSE FEE OF THE

CLUB.

**(3) FOR A CLASS D (3-DAY) BEER AND WINE LICENSE, THE FEE IS \$100 PER DAY.**

**(B) CLASS C BEER, WINE, AND LIQUOR LICENSES.**

**(1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, THE FEE IS \$200 PER DAY.**

**(2) (I) FOR A CLUB HOLDING A GAMING EVENT, THE FEE IS \$150 PER DAY.**

**(II) THE FEE UNDER THIS PARAGRAPH SHALL BE:**

1. PAID BY THE CLUB; AND
2. CONSIDERED AS PART OF THE LICENSE FEE OF THE

CLUB.

**(3) FOR A CLASS C (3-DAY) BEER, WINE, AND LIQUOR LICENSE, THE FEE IS \$200 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(11)(i), (ii), and (iv)6, (d)(13)(ii) and (iii), and (x)(5).

Throughout this section, former references to "society, or association" are deleted as included in the defined term "club".

Defined terms: "Club" § 1-101

"License" § 1-101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.****26-1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);
- (2) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- (3) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (4) § 4-111 (“PAYMENT OF LICENSE FEES”);
- (5) § 4-112 (“DISPOSITION OF LICENSE FEES”); AND
- (6) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- (1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH IS SUPERSEDED BY § 26-1405 OF THIS SUBTITLE;
- (2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), WHICH IS SUPERSEDED BY § 26-1406 OF THIS SUBTITLE;
- (3) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), WHICH IS SUPERSEDED BY § 26-1406 OF THIS SUBTITLE;
- (4) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”); AND
- (5) § 4-113 (“REFUND OF LICENSE FEES”), WHICH IS SUPERSEDED BY § 26-1410 OF THIS SUBTITLE.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 26-1403 AND 26-1404 OF THIS SUBTITLE; AND

(2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”):

(I) IN ADDITION TO § 26-1408 OF THIS SUBTITLE; AND

(II) SUBJECT TO § 26-1407 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a), (c), and (b)(1) through (3) and (5) of this section are new language added to incorporate by reference general provisions relating to applications for local licenses.

Subsection (b)(4) of this section is new language derived without substantive change from former Art. 2B, § 10-103(b)(18)(iii), as it related to Prince George’s County.

Defined term: “County” § 26-101

#### **26-1402. CONSIDERATION OF APPLICATION.**

(A) APPLICATION NOT PRIMA FACIE EVIDENCE OF RIGHT TO LICENSE.

**THE BOARD MAY NOT CONSIDER AN APPLICATION FOR A LICENSE TO BE PRIMA FACIE EVIDENCE THAT THE APPLICANT IS ENTITLED TO THE LICENSE.**

(B) BURDEN OF PROOF.

**THE BURDEN OF PROOF IS ON THE APPLICANT TO SHOW TO THE BOARD THAT THE ISSUANCE OF A LICENSE TO THE APPLICANT IS NECESSARY FOR THE ACCOMMODATION OF THE PUBLIC AT THE PREMISES APPLIED FOR.**

(C) CONSTRUCTION OF LIMITATIONS ON NUMBER OF LICENSES.

**THE LIMITATIONS ON LICENSES SPECIFIED IN § 26-1601 OF THIS TITLE MAY NOT BE CONSTRUED AS THE NUMBER OF LICENSES THE BOARD IS OBLIGATED TO ISSUE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(i).

Throughout this section, the former reference to an applicant “or applicants” is deleted in light of § 1-202 of the General Provisions Article, which provides that the singular generally includes the plural.

In subsection (a) of this section, the reference to “[t]he Board” considering applications is added for clarity.

In subsection (b) of this section, the former reference to “[b]ecause of the limitation on licenses as set forth in subsection (b) of this section” is deleted as surplusage.

Defined term: “Board” § 26–101  
“License” § 1–101

#### **26–1403. OBTAINING CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION ON LICENSE APPLICANTS AND THEIR AGENTS FROM THE COUNTY POLICE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ii)2 and 1C.

The reference to “criminal history record information” is substituted for the former reference to “criminal records” to conform to the terminology used in CP § 10–201.

Defined terms: “Board” § 26–101  
“License” § 1–101

#### **26–1404. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4–107 OF THIS ARTICLE OR § 26–1403 OF THIS SUBTITLE ON COMPLETION OF ITS NECESSARY USE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ii)1C and, as it related to Prince George’s County, (i)2.

The reference to “criminal history record information” is substituted for the former reference to “records” to conform to the terminology used in CP § 10–201.

Defined term: “Board” § 26–101

#### **26–1405. APPLICATION ON BEHALF OF SOLE PROPRIETORSHIP OR PARTNERSHIP.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO:**

- (1) A RACETRACK LICENSE;**
- (2) A CLASS BLX LICENSE;**
- (3) AN ARENA LICENSE;**
- (4) A CLASS BCE (CATERING) LICENSE;**
- (5) A CLASS B-CC (CONVENTION CENTER) LICENSE;**
- (6) A CLASS B/ECF (EDUCATIONAL CONFERENCE FACILITY) LICENSE;**
- (7) THE ISSUANCE, RENEWAL, OR TRANSFER OF CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES; OR**
- (8) A BUSINESS WHOSE STOCK OR INTEREST IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.**

**(B) IN GENERAL.**

**(1) AN APPLICATION FOR A LICENSE FOR A PROPRIETORSHIP SHALL STATE THE NAME AND ADDRESS OF THE PARTNERSHIP AND THE NAME AND ADDRESS OF THE APPLICANT.**

**(2) AN APPLICATION FOR A LICENSE FOR A PARTNERSHIP SHALL:**

**(i) BE MADE BY AND THE LICENSE ISSUED TO EACH PARTNER AS AN INDIVIDUAL; AND**

**(ii) STATE THE NAME AND ADDRESS OF THE PARTNERSHIP AND THE NAMES AND ADDRESSES OF EACH APPLICANT.**

**(C) RESIDENCY AND VOTER REGISTRATION REQUIREMENTS FOR APPLICANT.**

**(1) THIS SUBSECTION DOES NOT APPLY TO A CLASS B-STADIUM BEER AND LIGHT WINE LICENSE OR A 7-DAY CLASS B-ECR ON-SALE BEER, WINE, AND LIQUOR LICENSE.**

**(2) TO BE ELIGIBLE TO RECEIVE A LICENSE, A PARTNER SHALL:**

**(I) HAVE BEEN A RESIDENT OF THE STATE FOR AT LEAST 1 YEAR BEFORE THE APPLICATION IS FILED AND CONTINUE TO BE A RESIDENT AS LONG AS THE LICENSE IS IN EFFECT; AND**

**(II) BE A REGISTERED VOTER OF THE STATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5–201(r)(4)(vi), 6–201(r)(11)(v)2, and 9–101(a)(4) and (d)(6) and, as it related to partnerships, (4)(iii).

In the introductory language of subsection (c)(2) of this section, the phrase “[t]o be eligible to receive a license” is added for clarity.

Former Art. 2B, § 10–103(b)(4)(ii), which stated that the Board shall apply the residency requirements as specified in former Art. 2B, § 9–101, is deleted as unnecessary because those requirements are stated in this section and § 26–1407 of this subtitle.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements that an applicant reside and be a registered voter in the State in subsection (c)(2) of this section may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “License” § 1–101

“State” § 1–101

**26–1406. APPLICATION ON BEHALF OF CORPORATION, CLUB, OR LIMITED LIABILITY COMPANY.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO:**

**(1) A RACETRACK LICENSE;**

**(2) A CLASS BLX LICENSE;**



- (3) AN ARENA LICENSE;
- (4) A CLASS BCE (CATERING) LICENSE;
- (5) A CLASS B-CC (CONVENTION CENTER) LICENSE;
- (6) A CLASS B/ECF (EDUCATIONAL CONFERENCE FACILITY) LICENSE;
- (7) THE ISSUANCE, RENEWAL, OR TRANSFER OF CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES; OR
- (8) A BUSINESS WHOSE STOCK OR INTEREST IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.

(B) IN GENERAL.

(1) AN APPLICATION FOR A LICENSE ON BEHALF OF A CORPORATION, AN INCORPORATED OR UNINCORPORATED CLUB, OR A LIMITED LIABILITY COMPANY SHALL BE MADE BY AND THE LICENSE ISSUED TO THREE OFFICERS OF THE CORPORATION OR CLUB OR THREE AUTHORIZED PERSONS OF THE LIMITED LIABILITY COMPANY, AS INDIVIDUALS.

(2) AN APPLICATION FOR A LICENSE SHALL:

(I) STATE THE NAME AND ADDRESS OF EACH OFFICER OF THE CORPORATION OR CLUB OR AUTHORIZED PERSON OF THE LIMITED LIABILITY COMPANY;

(II) STATE THE NAME AND ADDRESS OF THE CORPORATION, CLUB, OR LIMITED LIABILITY COMPANY; AND

(III) BE SIGNED BY:

1. THE PRESIDENT OR VICE PRESIDENT OF THE CORPORATION OR CLUB; OR

2. THREE OFFICERS OR AUTHORIZED PERSONS TO WHOM THE LICENSES ARE TO BE ISSUED.

(3) IF A CORPORATION OR CLUB HAS FEWER THAN THREE OFFICERS OR DIRECTORS OR A LIMITED LIABILITY COMPANY HAS FEWER THAN THREE

**AUTHORIZED PERSONS, EACH OFFICER, DIRECTOR, OR AUTHORIZED PERSON SHALL APPLY FOR A LICENSE.**

**(C) RESIDENCY AND VOTER REGISTRATION REQUIREMENTS FOR APPLICANT.**

**(1) THIS SUBSECTION DOES NOT APPLY TO A CLASS B–STADIUM BEER AND LIGHT WINE LICENSE OR A 7–DAY CLASS B–ECR ON–SALE BEER, WINE, AND LIQUOR LICENSE.**

**(2) TO BE ELIGIBLE TO RECEIVE A LICENSE, AN APPLICANT SHALL:**

**(I) HAVE BEEN A RESIDENT OF THE STATE FOR AT LEAST 1 YEAR BEFORE THE APPLICATION IS FILED AND CONTINUE TO BE A RESIDENT AS LONG AS THE LICENSE IS IN EFFECT; AND**

**(II) BE A REGISTERED VOTER OF THE STATE.**

**(D) OWNERSHIP REQUIREMENTS.**

**(1) A LICENSE MAY NOT BE ISSUED, RENEWED, OR TRANSFERRED TO AN INDIVIDUAL APPLYING FOR A LICENSE FOR A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY, UNLESS RESIDENTS OF THE STATE OWN:**

**(I) 25% OF THE TOTAL ISSUED CAPITAL STOCK OF THE CORPORATION OR UNINCORPORATED ASSOCIATION; OR**

**(II) 25% OF THE INTEREST IN THE LIMITED LIABILITY COMPANY.**

**(2) IF A CLOSE CORPORATION DOES NOT HAVE OFFICERS OR DIRECTORS:**

**(I) AT LEAST 25% OF THE STOCK SHALL BE HELD BY RESIDENTS OF THE STATE;**

**(II) THERE SHALL BE AN AFFIRMATIVE VOTE OF THE MAJORITY STOCKHOLDERS;**

**(III) AT LEAST ONE STOCKHOLDER SHALL APPLY FOR THE LICENSE AS PROVIDED IN THIS SECTION; AND**

(IV) EACH YEAR, THE APPLICANTS OR CORPORATION SHALL SUBMIT TO THE BOARD A SWORN STATEMENT THAT INCLUDES THE NAME AND ADDRESS OF EACH STOCKHOLDER OF THE CORPORATION AND THE NUMBER OF SHARES THAT EACH STOCKHOLDER OWNS AND HAS A RIGHT TO VOTE AT A STOCKHOLDERS MEETING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5–201(r)(4)(vi), 6–201(r)(11)(v)2, and 9–101(a)(4) and (d)(2), (3), (5), (6), and (4)(i), (ii), (iv), and, except as it related to partnerships, (iii).

Throughout this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the former reference to an “association” is deleted as included in the defined term “club”.

Also in subsection (b)(2)(ii) of this section, the former phrase “as well as the names and addresses of the applicants” is deleted as repetitive in light of the inclusion in the application of the names and addresses of the officers and authorized persons.

In the introductory language of subsection (d)(2) of this section, the former phrase “in order to make the application” is deleted as surplusage.

Former Art. 2B, § 9–101(d)(1), which stated that the provisions of former Art. 2B, § 9–101(d) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements that an applicant reside and be a registered voter in the State in subsection (c)(2) of this section may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Board” § 26–101

“Club” § 1–101

“State” § 1–101

**26–1407. RESIDENT STATUS.**

**AN APPLICANT FOR A LICENSE IN THE COUNTY SHALL INCLUDE ON THE APPLICATION:**

**(1) A STATEMENT WHETHER THE APPLICANT IS A NATURAL-BORN OR NATURALIZED CITIZEN; OR**

**(2) IF THE APPLICANT IS NOT A CITIZEN OF THE UNITED STATES:**

**(I) A STATEMENT THAT THE APPLICANT'S IMMIGRATION STATUS IS IN ACCORDANCE WITH FEDERAL LAW; AND**

**(II) EVIDENCE TO VERIFY THE IMMIGRATION STATUS OF THE APPLICANT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(3)(ii) and (b-1).

In this section, the references to "immigration status" are substituted for the former references to "legal status" to conform to the terminology used throughout this article.

Item (1) of this section is new language added to state expressly what was only implied in the former law, that an applicant who is a citizen of the United States is required to state that fact in the application.

In item (2)(ii) of this section, the reference to "evidence to verify" the immigration status of the applicant is substituted for the former reference to "proof of" the applicant's legal status to conform to the terminology used throughout this article.

Defined terms: "County" § 26-101

"License" § 1-101

"United States" § 1-101

#### **26-1408. FELONY CONVICTIONS.**

**IN ADDITION TO THE STATEMENT REQUIRED UNDER § 4-109(A)(9) OF THIS ARTICLE, AN APPLICANT FOR A LICENSE SHALL INCLUDE A SIGNED STATEMENT THAT IF THE APPLICATION IS MADE ON BEHALF OF A CORPORATION, THAT NEITHER THE APPLICANT NOR ANY OF THE STOCKHOLDERS OF THE CORPORATION HAVE BEEN CONVICTED OF A FELONY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(9)(iv)1, as it related to Prince George's County.

Defined term: "License" § 1-101

**26-1409. APPLICATION FEE.**

**(A) IN GENERAL.**

**THE BOARD SHALL CHARGE AN APPLICATION FEE FOR A NEW LICENSE.**

**(B) NOT APPLICABLE TO RENEWAL OR TRANSFER.**

**THE APPLICATION FEE DOES NOT APPLY TO THE RENEWAL OR TRANSFER OF A LICENSE FOR THE SAME PREMISES.**

**(C) COST.**

**THE APPLICATION FEE IS \$300 AND IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE.**

**(D) FEE NOT REFUNDABLE.**

**THE APPLICATION FEE MAY NOT BE REFUNDED WHETHER THE LICENSE IS ISSUED OR DENIED.**

**(E) USE.**

**THE BOARD SHALL USE THE APPLICATION FEE TO COVER ITS EXPENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(r).

In subsection (a) of this section, the former reference to a license "of any class" is deleted as surplusage.

In subsection (b) of this section, the reference to the "application fee" is substituted for the former reference to the "provisions of this subsection" for brevity.

Also in subsection (b) of this section, the former phrase "by way of" is deleted as surplusage.

In subsection (e) of this section, the former reference to the expenses of the Board "in connection with its functions" is deleted as surplusage.

Defined terms: "Board" § 26-101

“License” § 1–101

**26–1410. REFUND OF LICENSE FEES.**

**(A) PROHIBITED.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A REFUND OF ANY PART OF A LICENSE FEE IS NOT ALLOWED.**

**(B) EXCEPTION.**

**(1) A LICENSE FEE REFUND MAY BE MADE ON THE DEATH OF THE LICENSE HOLDER BEFORE THE LICENSE EXPIRES.**

**(2) A PERSONAL REPRESENTATIVE MAY APPLY FOR A REFUND.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–205(d).

In subsection (b)(2) of this section, the reference to a “personal representative” is substituted for the former reference to the “executor or administrator of the decedent” to conform to the terminology used in the Estates and Trusts Article.

Defined terms: “License” § 1–101

“License holder” § 1–101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**26–1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**SECTION 4–207 (“LICENSES ISSUED TO MINORS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LICENSE APPLICATIONS”) DO NOT APPLY IN THE COUNTY:**

**(1) § 4–206 (“LIMITATIONS ON RETAIL FLOOR SPACE”) AND IS SUPERSEDED BY § 26–1504 OF THIS SUBTITLE;**

(2) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”) AND IS SUPERSEDED BY § 26-1513 OF THIS SUBTITLE; AND

(3) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”) AND IS SUPERSEDED BY § 26-1516 OF THIS SUBTITLE.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), IN ADDITION TO §§ 26-1502 AND 26-1503 OF THIS SUBTITLE;

(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 26-1505 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;

(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 26-1505 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;

(4) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”), SUBJECT TO § 26-1509 OF THIS SUBTITLE;

(5) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 26-1512 OF THIS SUBTITLE;

(6) § 4-209 (“HEARING”), IN ADDITION TO § 26-1511 OF THIS SUBTITLE;

(7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”), IN ADDITION TO § 26-1508 OF THIS SUBTITLE;

(8) § 4-212 (“LICENSE NOT PROPERTY”), SUBJECT TO § 26-1506 OF THIS SUBTITLE; AND

(9) § 4-213 (“REPLACEMENT LICENSES”), SUBJECT TO § 26-1517 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a), (c), and (b)(2) and (3) of this section are new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 9–108(a).

Defined terms: “County” § 26–101

“License” § 1–101

“Local licensing board” § 1–101

#### **26–1502. ISSUANCE OF LICENSE BEFORE COMPLETION OF CONSTRUCTION OR ALTERATION OF PREMISES.**

##### **THE BOARD MAY ISSUE A LICENSE BEFORE THE CONSTRUCTION OR ALTERATION OF THE PREMISES TO BE LICENSED IS COMPLETED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–217(a)(4).

The former references to the authority of the Board to “prescribe rules and regulations” are deleted in light of § 26–208 of this title, which grants the Board the authority to adopt regulations to carry out its duties under this article.

The former prohibition against construing this section “to prevent the issuance, or renewal, of a license previously issued, or authorized for issuance, where the premises licensed or to be licensed are under construction or the alterations to be made therein are in progress” is deleted as unnecessary.

The former phrase “in addition to the other powers and duties conferred upon them” is deleted as surplusage.

The reference to “before the construction or alteration of the premises” is substituted for the former reference to “when the actual use of the license is to be deferred until the completion of ... [the] licensed premises and the use thereof” for brevity.

Defined terms: “Board” § 26–101

“License” § 1–101

#### **26–1503. TAX PAYMENTS.**

##### **(A) PAYMENT OF TAXES REQUIRED BEFORE ISSUANCE OF LICENSE.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE TO AN APPLICANT UNLESS THE BOARD IS PROVIDED VERIFICATION FROM THE COMPTROLLER AND THE COUNTY THAT THE APPLICANT HAS:**



**(1) PAID ALL UNDISPUTED TAXES PAYABLE TO THE COMPTROLLER AND THE COUNTY; OR**

**(2) PROVIDED FOR PAYMENT OF THE TAXES DESCRIBED IN ITEM (1) OF THIS SUBSECTION IN A MANNER SATISFACTORY TO THE GOVERNMENTAL UNIT RESPONSIBLE FOR COLLECTION.**

**(B) LICENSE APPLICATION ON BEHALF OF ENTITY.**

**IF AN APPLICATION FOR THE ISSUANCE OF A LICENSE IS MADE ON BEHALF OF A CORPORATION, A CLUB, OR ANY OTHER ENTITY, THE VERIFICATION REQUIREMENTS SPECIFIED IN SUBSECTION (A) OF THIS SECTION APPLY TO UNDISPUTED TAXES PAYABLE BY EACH OWNER OR PRINCIPAL OF THE ENTITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(i-1)(2) and (3).

Former Art. 2B, § 10-202(i-1)(1), which stated that former Art. 2B, § 10-202(i-1) applied only in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 26-101

"Club" § 1-101

"Comptroller" § 1-101

"County" § 26-101

"License" § 1-101

**26-1504. RESTRICTIONS ON FLOOR SPACE FOR OFF-SALE USE.**

**(A) MAXIMUM SPACE RESTRICTED TO 10,000 SQUARE FEET.**

**EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A LICENSE HOLDER MAY NOT DEVOTE MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE TO OFF-SALE USE.**

**(B) DETERMINATION OF FLOOR SPACE.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, FLOOR SPACE IS THE SPACE DEVOTED TO THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION, INCLUDING:**

**(I) A BASEMENT ON THE LICENSED PREMISES; AND**

(II) ANY OTHER AREA OFF THE LICENSED PREMISES WHERE THE ALCOHOLIC BEVERAGES ARE LAWFULLY STORED.

(2) FOR A LICENSE WITH ONLY AN OFF-SALE PRIVILEGE, FLOOR SPACE IS THE SPACE WITHIN THE FOUR WALLS OF THE BUILDING FROM WHICH THE LICENSED ESTABLISHMENT OPERATES.

(3) FOR A LICENSE WITH ON-SALE AND OFF-SALE PRIVILEGES, FLOOR SPACE IS THE SPACE ACTUALLY USED FOR THE SALE, DISPLAY, OR STORAGE OF ALCOHOLIC BEVERAGES.

(C) EXPANSION OF FLOOR SPACE FOR OFF-SALE USE.

(1) THE FLOOR SPACE USED FOR THE SALE, DISPLAY, OR STORAGE OF ALCOHOLIC BEVERAGES MAY NOT BE EXPANDED BEYOND 10,000 SQUARE FEET.

(2) THE BOARD IS NOT REQUIRED TO APPROVE A REQUEST BY A LICENSE HOLDER TO EXPAND THE FLOOR SPACE DEVOTED TO OFF-SALE USE UP TO 10,000 SQUARE FEET UNLESS THE BOARD FINDS EVIDENCE, BASED ON THE EVIDENCE PRESENTED TO THE BOARD, THAT:

(I) THE EXPANSION IS NECESSARY TO ACCOMMODATE THE PUBLIC; AND

(II) THE LICENSE HOLDER OTHERWISE CONTINUES TO MEET THE CRITERIA FOR THE ISSUANCE OR TRANSFER OF A LICENSE AND ANY OTHER CONDITION THAT THE BOARD IMPOSES.

(D) FOOD STORES WITH A LICENSE ON OR BEFORE JANUARY 1, 1995.

(1) A FOOD STORE FOR WHICH A LICENSE WAS ISSUED ON OR BEFORE JANUARY 1, 1995:

(I) IS EXEMPT FROM THE 10,000 SQUARE FOOT FLOOR SPACE RESTRICTION UNDER SUBSECTION (A) OF THIS SECTION;

(II) MAY HAVE THE LICENSE RENEWED OR OWNERSHIP OR LOCATION OF THE LICENSE TRANSFERRED EVEN IF THE FOOD STORE HAD MORE THAN 10,000 SQUARE FEET DEVOTED TO OFF-SALE USE; BUT

(III) MAY NOT EXPAND THE SQUARE FOOTAGE OF ITS ALCOHOLIC BEVERAGES DEPARTMENT, INCLUDING SALES, DISPLAY, AND STORAGE AREAS, BEYOND 10,000 SQUARE FEET.

**(2) THE 10,000 SQUARE FOOT LIMIT SPECIFIED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION IS TO BE DETERMINED WITHOUT REGARD TO THE TOTAL AREA AVAILABLE WITHIN THE FOUR WALLS OF THE ESTABLISHMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(m)(2) through (4) and (1)(iii).

Throughout this section, the references to an “establishment” are substituted for the former references to a “business” or “business premises” to conform to the terminology used throughout this article.

In subsection (a) of this section, the former phrase “[w]ithout regard to its class of license” is deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the former phrase “[i]n all cases” is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the former reference to the licensed premises on which alcoholic beverages are “at any time” lawfully stored is deleted as surplusage.

In subsection (c)(2) of this section, the reference to the evidence presented to “the Board” is substituted for the former reference to the evidence presented to “them” for clarity.

In subsection (d)(1)(iii) of this section, the former reference to “actual” square footage is deleted as surplusage. Similarly, in the same subsection, the former reference to “a total of” 10,000 square feet is deleted.

In subsection (d)(2) of this section, the reference to “[t]he 10,000 square foot limit” is substituted for the former reference to the “[t]his size” for clarity.

Former Art. 2B, § 9–217(m)(1)(i), which was the standard introductory language for a definition subsection, is deleted as surplusage because this revised section does not contain a definition subsection.

Former Art. 2B, § 9–217(m)(1)(ii), which defined “Board” to mean “the Board of License Commissioners”, is deleted as unnecessary in light of the definition of “Board” in § 26–101 of this title.

Former Art. 2B, § 9–217(m)(1)(iv), which defined “off–sale” to mean “the sale of alcoholic beverages that are to be consumed off the licensed premises”, is deleted as unnecessary in light of the definition of “off–sale” in § 1–101 of this article.

Former Art. 2B, § 9–217(m)(1)(v), which defined “on–sale” to mean “the sale of alcoholic beverages that are to be consumed only on the licensed premises”, is deleted as unnecessary in light of the definition of “on–sale” in § 1–101 of this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that two provisions in subsection (b) seem in conflict. Subsection (b)(1)(ii) states that floor space includes any other area off the licensed premises on which alcoholic beverages are stored. Subsection (b)(2), however, states that for a license with only an off–sale privilege, floor space is within the four walls of the building from which the licensed establishment operates.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“License” § 1–101

“License holder” § 1–101

“Off–sale” § 1–101

“On–sale” § 1–101

## **26–1505. MULTIPLE LICENSES FOR PERSONS AND PREMISES.**

### **(A) INTEREST IN MORE THAN ONE LICENSE.**

**UNLESS OTHERWISE AUTHORIZED BY THIS ARTICLE, A PERSON MAY NOT HAVE AN INTEREST IN MORE THAN ONE LICENSE ISSUED BY THE BOARD, REGARDLESS OF WHETHER THE PERSON ACTS ON THE PERSON’S OWN BEHALF OR ON BEHALF OF ANOTHER PERSON.**

### **(B) EXCEPTION FOR BOWLING ESTABLISHMENTS.**

**THE PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY DOES NOT APPLY IF:**

**(1) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS; AND**

**(2) THE LICENSES WERE ISSUED BEFORE JUNE 1, 1982.**

### **(C) EXCEPTION FOR CLASS B–ECF/DS LICENSES.**

**THE PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR THE SAME PERSON OR PREMISES DOES NOT APPLY TO A CLASS B–ECF/DS LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–201(r)(12)(xii), 9–217(f)(1)(i), and 9–102(b–1)(3) and (2)(v).

In subsection (a) of this section, the former reference to “entity, corporation, association, partnership, limited partnership or other combination of persons (natural or otherwise)” is deleted as included in the defined term “person”.

Also in subsection (a) of this section, the former phrase “for whatever reason formed” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to a license “authorizing the retail or wholesale sale of alcoholic beverages” is deleted as included in the defined term “license”.

In subsection (b) of this section, the former statement that “[t]hese provisions do not authorize the issuance of new or additional licenses in violation of subsection (a) of this section” is deleted as unnecessary because this section does not expressly state or imply that the authorization is given.

Defined terms: “Board” § 26–101

“License” § 1–101

“Person” § 1–101

## **26–1506. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.**

### **A LICENSE IS NOT SUBJECT TO:**

**(1) A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSE HOLDER; OR**

**(2) EXCEPT AS PROVIDED IN § 26–1507 OF THIS SUBTITLE, A DISTRAINT FOR RENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–501(b)(2).

In item (2) of this section, the phrase “except as provided in § 26–1507 of this subtitle” is added for clarity.

Defined terms: “License” § 1–101

“License holder” § 1–101

## **26–1507. CREATION OF SECURITY INTEREST.**

**(A) ALLOWED.**

**A LICENSE HOLDER MAY CREATE A SECURITY INTEREST IN THE LICENSE IN FAVOR OF A LANDLORD OR A CREDITOR OF THE LICENSE HOLDER.**

**(B) PERFECTION OF SECURITY INTEREST.**

**THE SECURITY INTEREST SHALL BE PERFECTED IN ACCORDANCE WITH THE COMMERCIAL LAW ARTICLE.**

**(C) COPY OF SECURITY AGREEMENT TO BE DELIVERED TO BOARD.**

**THE LICENSE HOLDER SHALL DELIVER TO THE BOARD A COPY OF THE UNDERLYING SECURITY AGREEMENT THAT IS SIGNED BY OR ON BEHALF OF THE INDIVIDUAL OR ENTITY THAT HOLDS THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–501(b)(4)(i) and (ii).

In subsection (c) of this section, the phrase “to the Board” is added to state expressly what was only implied in the former law, that the Board is the recipient of the copy of the security agreement that a license holder is required to deliver.

Former Art. 2B, § 10–501(b)(1), which stated that former Art. 2B, § 10–501(b) applied only in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 26–101

“License” § 1–101

“License holder” § 1–101

**26–1508. LICENSE EXPIRATION DATE.**

**A LICENSE SHALL EXPIRE:**

**(1) FOR A CLASS B LICENSE, ON THE NEXT MAY 31 AFTER ITS ISSUANCE; AND**

**(2) FOR A CLASS C OR CLASS D LICENSE, ON THE NEXT JUNE 30 AFTER ITS ISSUANCE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–206(d) and, as it related to the expiration of licenses, 10–302(a)(2).

The former reference to the April 30 expiration date for Class A licenses is deleted as included in § 3–410(c) of this article, which sets April 30 for the expiration date for all licenses except as otherwise provided in this article.

For renewal application dates, *see* Subtitle 18 of this title.

Defined term: “License” § 1–101

**26–1509. RESTRICTIONS ON ISSUANCE TO CHAIN STORES, SUPERMARKETS, OR DISCOUNT HOUSES.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE THAT HAS AN OFF–SALE PRIVILEGE TO:**

**(1) AN ESTABLISHMENT COMMONLY KNOWN AS A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE; OR**

**(2) A FRANCHISOR, FRANCHISEE, OR CONCESSIONAIRE OF THE ESTABLISHMENT.**

**(B) EFFECT OF SECTION.**

**AN ESTABLISHMENT DESCRIBED IN SUBSECTION (A) OF THIS SECTION THAT HELD A LICENSE ON JULY 1, 1973:**

**(1) MAY CONTINUE TO HOLD THE LICENSE; AND**

**(2) AT THE DISCRETION OF THE BOARD, MAY CHANGE THE CLASS OF THE LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(h)(1), as it related to the issuance of a license to a chain store, supermarket, or discount house.

In the introductory language of subsection (a) of this section, reference to the “Board” is added for clarity.

Also in the introductory language of subsection (a) of this section, the former reference to a license “of any class” is deleted as included in the defined term “license”.

In subsection (a)(1) of this section, the former reference to a “business” establishment is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to “[a]n establishment described in subsection (a) of this section” is substituted for the former reference to “those establishments” for clarity.

Also in the introductory language of subsection (b) of this section, the reference to a business establishment that held a license “on July 1, 1973” is substituted for the former reference to a business establishment that held a license “at the time of enactment of this section” for clarity and brevity. *See* Chapter 462 of the Acts of 1973, which enacted former Art. 2B, § 53(7) (recodified as former Art. 2B, § 9–217(h)) effective July 1, 1973.

Defined terms: “Board” § 26–101

“License” § 1–101

“Off–sale” § 1–101

## **26–1510. EXTINGUISHING CLASS A LICENSE.**

### **(A) IN GENERAL.**

**(1) A PERSON MAY OBTAIN A CLASS A LICENSE OF ANY KIND TO HAVE THE BOARD DECLARE THE LICENSE TO BE EXTINGUISHED.**

**(2) (I) THE PERSON SHALL INFORM THE BOARD OF THE PURPOSE FOR OBTAINING THE LICENSE.**

**(II) THE BOARD SHALL DECLARE THE LICENSE TO BE EXTINGUISHED WHEN THE PERSON COMES INTO POSSESSION OF THE LICENSE.**

**(3) A PERSON THAT OBTAINS A LICENSE UNDER THIS SECTION MAY NOT EXERCISE THE PRIVILEGES OF, SELL, ASSIGN, OR APPLY FOR TRANSFER OF THE LICENSE.**

**(4) A LICENSE THAT IS EXTINGUISHED UNDER THIS SECTION:**

**(I) MAY NOT BE REPLACED BY THE BOARD; AND**

**(II) COUNTS AS ONE OF THE NUMBER OF LICENSES IN THE APPROPRIATE CLASS LISTED IN § 26–1601 OF THIS ARTICLE.**

### **(B) PROCEDURES.**



**WITHIN 10 DAYS AFTER COMING INTO POSSESSION OF THE LICENSE FROM A TRANSFER, THE PERSON SHALL:**

**(1) SURRENDER THE LICENSE TO THE BOARD; AND**

**(2) PROVIDE EVIDENCE TO SATISFY THE BOARD THAT ALL TAXES OR OBLIGATIONS OWED BY THE TRANSFERORS TO WHOLESALERS OR OTHER PERSONS HAVE BEEN PAID.**

**(C) PENALTY.**

**THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES THIS SECTION A PENALTY NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(b-1).

In the introductory language of subsection (b) of this section, the reference to possession of the license "from a transfer" is added for clarity. Similarly, in subsection (b)(2) of this section, the reference to taxes or obligations "owed by the transferors" is added.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that it is not clear how the process of extinguishing a license under this section works in practice. The General Assembly may want to clarify how a license may be extinguished.

Defined terms: "Board" § 26-101

"License" § 1-101

"Person" § 1-101

**26-1511. CALENDAR OF HEARING AND FILING DATES FOR LICENSE APPLICATIONS.**

**(A) IN GENERAL.**

**(1) THE BOARD MAY ADOPT A CALENDAR THAT ESTABLISHES:**

**(I) FILING DATES BY WHICH LICENSE APPLICATIONS ARE REQUIRED TO BE FILED; AND**

**(II) HEARING DATES FOR LICENSE APPLICATION HEARINGS.**

**(2) A FILING DATE FOR A LICENSE APPLICATION SHALL BE AT LEAST 60 DAYS BEFORE THE HEARING AT WHICH THE APPLICATION IS TO BE HEARD.**

**(B) NUMBER OF LICENSES THAT MAY BE APPLIED FOR A HEARING.**

**(1) THE BOARD SHALL DETERMINE THE NUMBER OF LICENSES OF EACH CLASS THAT MAY BE APPLIED FOR AT A HEARING.**

**(2) THE NUMBER OF LICENSES THAT THE BOARD MAKES AVAILABLE FOR ISSUANCE AT A HEARING MAY BE LESS THAN THE TOTAL NUMBER OF LICENSES IN EACH CLASS THAT REMAINS UNISSUED BY THE BOARD.**

**(3) IF, AFTER A HEARING, THE APPLICANTS WHO ARE QUALIFIED FOR THE ISSUANCE OF A LICENSE OF A CERTAIN CLASS OUTNUMBER THE LICENSES OF THAT CLASS AUTHORIZED TO BE ISSUED AT THE HEARING, THE BOARD SHALL DETERMINE THE APPLICANTS WHO ARE BEST QUALIFIED TO BE LICENSE HOLDERS.**

**(4) THE BOARD MAY NOT ISSUE ADDITIONAL LICENSES OF ANY CLASS THAT WERE NOT DETERMINED AND PUBLISHED AS AVAILABLE FOR THE HEARING.**

**(C) HEARING NOTICE TO BE PUBLISHED IN NEWSPAPER; CONTENTS.**

**(1) BEFORE HOLDING A HEARING, THE BOARD SHALL PUBLISH A NOTICE OF THE HEARING IN AT LEAST TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE COUNTY.**

**(2) THE NOTICE SHALL BE PUBLISHED AT LEAST 30 DAYS BEFORE THE DATE BY WHICH LICENSE APPLICATIONS ARE REQUIRED TO BE FILED FOR CONSIDERATION AT THE HEARING.**

**(3) THE NOTICE SHALL CONTAIN:**

**(I) THE NUMBER OF LICENSES OF EACH CLASS THAT ARE AVAILABLE FOR ISSUANCE;**

**(II) A DESCRIPTION OF EACH CLASS;**

**(III) THE DATE BY WHICH LICENSE APPLICATIONS MUST BE FILED TO BE CONSIDERED AT THE LICENSE APPLICATION HEARING; AND**

**(IV) THE DATE OF THE HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(i)(3) and, as it related to the issuance of licenses, (2).

In subsection (a)(1)(i) of this section, the reference to “filing dates by which license applications are required to be filed” is substituted for the former references to an “application filing date” and an “application deadline filing date” for clarity.

In subsection (a)(1)(ii) of this section, the reference to hearing dates “for license application hearings” is added for clarity.

In subsection (a)(2) of this section, the reference to the requirement that “[a] filing date for a license application ... be” at least 60 days before a hearing is substituted for the former reference to the requirement that “[a]n application ... be submitted” at least 60 days before a hearing for clarity.

Also in subsection (a)(2) of this section, the reference to the hearing “at which the application is to be heard” is substituted for the former reference to the hearing “for a new license” for consistency with terminology used throughout this article.

In subsections (b)(4) and (c)(1) of this section, the references to the requirement to “publish[ed]” a notice are substituted for the former references to “post” a hearing notice for accuracy. Similarly, in subsection (c)(2) of this section, the reference to “published” is substituted for the former reference to “post” a hearing notice for accuracy.

In subsection (c)(2) of this section, the reference to the “date by which license applications are required to be filed for consideration at the hearing” is substituted for the former reference to the “filing deadline date for the hearing” for clarity. Similarly, in subsection (c)(3)(iii) of this section, the reference to the “date by which license applications must be filed to be considered at the license application hearing” is substituted for the former reference to the “filing deadline for the hearing”.

Defined terms: “Board” § 26–101

“County” § 26–101

“License” § 1–101

“License holder” § 1–101

## **26–1512. POSTING OF NOTICE OF APPLICATIONS TO BE HEARD.**

### **(A) AT LOCATION DESCRIBED IN LICENSE.**

**IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN AN APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.**

**(B) CONTENTS.**

**A NOTICE UNDER SUBSECTION (A) OF THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH THE APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.**

**(C) STANDING OF MUNICIPALITIES AT APPLICATION HEARING.**

**(1) IF THE LOCATION DESCRIBED IN THE APPLICATION IS IN A MUNICIPALITY, WRITTEN NOTICE OF THE APPLICATION SHALL BE MADE TO THE GOVERNING BODY OF THE MUNICIPALITY.**

**(2) A MUNICIPALITY THAT RECEIVES WRITTEN NOTICE UNDER THIS SUBSECTION HAS STANDING TO APPEAR AT THE APPLICATION HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(b)(1)(i)7 and (ii) and the first and second sentences of (i)(1).

In subsection (a) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days for brevity.

Also in subsection (a) of this section, the reference to an “application hearing” is substituted for the former reference to “action upon the application” for consistency with language used in subsection (b) of this section. Similarly, in subsection (c) of this section, the reference to an “application hearing” is substituted for the former reference to “any hearing before the Board of License Commissioners”.

In subsection (b) of this section, the reference to the “date” for an application hearing is added for clarity.

In subsection (c) of this section, the reference to the “location described in the application” is substituted for the former reference to the “applicant propos[ing] to do business” for consistency with terminology used throughout this article.

Defined terms: “Board” § 26–101

“License” § 1–101

**26-1513. FACTORS IN DECIDING WHETHER TO APPROVE LICENSE APPLICATION.****(A) IN GENERAL.**

**THE BOARD SHALL APPROVE AN APPLICATION AND ISSUE THE LICENSE FOR WHICH APPLICATION IS MADE IF THE BOARD DETERMINES THAT:**

**(1) ISSUING THE LICENSE IS NECESSARY FOR THE ACCOMMODATION OF THE PUBLIC;**

**(2) THE APPLICANT IS A FIT PERSON TO RECEIVE THE LICENSE FOR WHICH APPLICATION IS MADE;**

**(3) THE APPLICANT HAS NOT MADE A MATERIAL FALSE STATEMENT IN THE APPLICATION;**

**(4) THE APPLICANT HAS NOT ACTED FRAUDULENTLY IN CONNECTION WITH THE APPLICATION OR THE OPERATION OF THE UNDERLYING BUSINESS;**

**(5) IF THE LICENSE IS ISSUED, THE OPERATION OF THE BUSINESS WILL NOT UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE NEIGHBORHOOD IN WHICH THE BUSINESS IS TO BE LOCATED; AND**

**(6) THERE ARE NO OTHER REASONS, IN THE DISCRETION OF THE BOARD, WHY THE LICENSE SHOULD NOT BE ISSUED.**

**(B) RECORD KEEPING REQUIREMENT.**

**THE BOARD SHALL MAINTAIN A RECORD OF LICENSES ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(a)(3)(v).

In subsection (a) of this section, the former references to a "certificate of approval" and "presentation of the certificate" are deleted as obsolete. Similarly, in subsection (a) of this section, the former prohibition against making payment of license fees to "the clerk of the court" is deleted as obsolete, as it is not now the practice of paying license fees to the clerk of the court. Similarly, in subsection (a) of this section, the former reference to "payment of the required fee to the County Treasurer" is deleted as unnecessary and obsolete.

Also in the introductory language of subsection (a) of this section, the reference that if “the Board” makes specified determinations it shall issue a license is substituted for the former references that specified determinations be made by “at least three members of the Board” before issuing a license for clarity and brevity, as three of the five members of the Board constitute a majority.

In subsection (a)(4) of this section, the reference to “act[ing] fraudulently” is substituted for the former reference to “practice[ing] fraud” for consistency with terminology throughout this article.

Defined terms: “Board” § 26–101

“License” § 1–101

“Person” § 1–101

#### **26–1514. BOARD RESTRICTIONS ON LICENSE HOLDERS.**

**THE BOARD MAY IMPOSE RESTRICTIONS ON A LICENSE HOLDER TO ENABLE THE BOARD TO CARRY OUT THE DUTIES IMPOSED ON IT BY THIS ARTICLE IF THE BOARD DEVELOPS:**

**(1) WRITTEN RESTRICTIONS THAT ARE REASONABLE, CLEAR, AND UNDERSTANDABLE; AND**

**(2) WRITTEN REGULATIONS TO ENFORCE THE RESTRICTIONS THAT COMPLY WITH DUE PROCESS, INCLUDING PROVIDING FOR NOTICE AND A HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–501(b)(3).

In item (1) of this section, the reference to written restrictions that are “understandable” is substituted for the former reference to written restrictions that are “ascertainable” for clarity.

Defined terms: “Board” § 26–101

“License holder” § 1–101

#### **26–1515. OPPOSITION TO ISSUANCE OF LICENSE.**

**THE BOARD MAY NOT APPROVE A LICENSE APPLICATION AND SHALL DENY THE LICENSE IF THE BOARD DETERMINES THAT MORE THAN 50% OF THE OWNERS OF REAL OR LEASEHOLD PROPERTY WITHIN 1,000 FEET OF THE LOCATION DESCRIBED IN THE APPLICATION ARE OPPOSED TO THE ISSUANCE OF THE LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 2B, § 10–202(i)(1).

The reference to the “Board” is added for clarity.

Defined terms: “Board” § 26–101  
 “License” § 1–101

**26–1516. WAITING PERIOD AFTER DENIAL.**

**(A) SIX–MONTH WAITING PERIOD.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF A LICENSE IS DENIED, ANOTHER LICENSE APPLICATION FOR THE SAME LOCATION MAY NOT BE MADE FOR 6 MONTHS AFTER THE DENIAL.**

**(B) EXCEPTIONS.**

**THIS SECTION DOES NOT APPLY TO:**

**(1) AN APPLICATION FOR THE TRANSFER OF A LICENSE; OR**

**(2) A LICENSE APPLICATION THAT IS DENIED:**

**(I) BECAUSE OF A LEGAL DEFECT OR OMISSION;**

**(II) IF THE BOARD EXPRESSLY STATES THAT THE DENIAL WAS DIRECTED SOLELY AGAINST THE APPLICANT AND NOT AGAINST THE LOCATION DESCRIBED IN THE APPLICATION; OR**

**(III) IF, AFTER A HEARING, THE BOARD DETERMINES THAT ANOTHER APPLICANT IS BETTER QUALIFIED TO BE A LICENSE HOLDER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–208(h)(2) and (3).

In subsection (a) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to “6 months after” the denial is substituted for the former reference to “a period of six months has expired from the date of” the denial for brevity.

In subsection (b)(2)(ii) of this section, the reference to an “applicant” is substituted for the former reference to “person or persons applying for the prior license” for brevity.

Also in subsection (b)(2)(ii) of this section, the reference to the “location described in the application” is substituted for the former reference to the “premises in question” for consistency with terminology used throughout this article.

Former Art. 2B, § 10–208(h)(1), which stated that former Art. 2B, § 10–208(h) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 26–101

“License” § 1–101

“License holder” § 1–101

## **26–1517. REPLACEMENT LICENSE FEE.**

**THE FEE FOR A REPLACEMENT LICENSE IS \$10.**

REVISOR’S NOTE: This section is new language revised without substantive change from former Art. 2B, § 10–502(b).

Defined term: “License” § 1–101

## **GENERAL REVISOR’S NOTE TO SUBTITLE**

Former Art. 2B, § 9–217(j), which stated in part that the residency requirement in former Art. 2B, § 9–101 applies to any issuance of a license, is deleted as redundant of §§ 26–1405 and 26–1406 of this title.

Former Art. 2B, § 8–217(e), which concerned the total number of licenses that may be held by a single successor corporation formed between September 1, 2007, and June 1, 2008, is deleted as obsolete. No substantive change is made by this deletion. In accordance with the general rule noted in Section 11 of this Act, a successor corporation licensed by the Board before the effective date of this Act is considered for all purposes to be licensed by the Board after the effective date of this Act and may renew that authorization in accordance with the appropriate renewal provisions of this article.

## **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

### **PART I. LICENSING CONDITIONS.**

## **26–1601. LIMIT ON LICENSES ISSUED BY BOARD.**

### **(A) MAXIMUM NUMBER PER CLASS.**



**(1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE NUMBER OF LICENSES IN A CLASS ISSUED BY THE BOARD MAY NOT EXCEED:**

- (I) CLASS A BEER, 19;**
- (II) CLASS B BEER, 23;**
- (III) CLASS C BEER, 3;**
- (IV) CLASS D BEER, 76;**
- (V) CLASS A BEER AND LIGHT WINE, 26;**
- (VI) CLASS B BEER AND LIGHT WINE, 45;**
- (VII) CLASS B–GC BEER AND LIGHT WINE, 4;**
- (VIII) CLASS B–STADIUM BEER AND LIGHT WINE, 1;**
- (IX) CLASS C BEER AND LIGHT WINE, 8;**
- (X) CLASS D BEER AND LIGHT WINE, 55;**
- (XI) CLASS A BEER, WINE, AND LIQUOR, 143;**
- (XII) CLASS B BEER, WINE, AND LIQUOR, 185;**
- (XIII) CLASS B–AE BEER, WINE, AND LIQUOR, 8;**
- (XIV) CLASS BCE BEER, WINE, AND LIQUOR, 8;**
- (XV) CLASS B–CI BEER, WINE, AND LIQUOR, 2;**
- (XVI) CLASS B–DD BEER, WINE, AND LIQUOR:**
  - 1. UNDER § 26–1614(A)(1) OF THIS SUBTITLE, 4;**
  - 2. UNDER § 26–1614(A)(2) OF THIS SUBTITLE, 4;**
  - 3. UNDER § 26–1614(A)(3) OF THIS SUBTITLE, 6; AND**
  - 4. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, UNDER § 26–1614(A)(4) OF THIS SUBTITLE, 6;**

- (XVII) CLASS B/ECF BEER, WINE, AND LIQUOR, 1;
- (XVIII) CLASS B–ECF/DS BEER, WINE, AND LIQUOR, 1;
- (XIX) CLASS B–ECR BEER, WINE, AND LIQUOR, 1;
- (XX) CLASS B–STADIUM BEER, WINE, AND LIQUOR, 1; AND
- (XXI) CLASS C BEER, WINE, AND LIQUOR:
  - 1. UNDER § 26–1002 OF THIS TITLE, 30;
  - 2. UNDER § 26–1005 OF THIS TITLE, 25;
  - 3. UNDER § 26–1011 OF THIS TITLE, 12;
  - 4. UNDER § 26–1017 OF THIS TITLE, 1; AND
  - 5. UNDER § 26–1019 OF THIS TITLE, 4.

(2) THE BOARD MAY NOT ISSUE A NEW CLASS A LICENSE FOR OR APPROVE THE TRANSFER OF A CLASS A LICENSE TO A LOCATION WITHIN THREE–FOURTHS OF A MILE OF A CORRECTIONAL FACILITY, AS DEFINED IN § 1–101 OF THE CORRECTIONAL SERVICES ARTICLE, IN UPPER MARLBORO.

(B) EFFECT OF SECTION.

THIS SECTION DOES NOT INVALIDATE A LICENSE IN A CLASS THAT EXCEEDED THE MAXIMUM NUMBER FOR THE CLASS AS OF JUNE 1, 1955.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(b), (c), (d), and (e–1).

In the introductory language of subsection (a) of this section, the phrase “the following maximum amounts” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to the Board “approv[ing] the” transfer “of” a license is added for accuracy.

Also in subsection (a)(2) of this section, the former reference to the transfer of an “existing” license is deleted as implicit.

In subsection (b) of this section, the phrase “as of June 1, 1955” is substituted for the former phrase “at the time of effective date of this provision” for clarity since the effective date of Chapter 697 of 1955, which added former Art. 2B, § 9–217(c), became effective on June 1, 1955.

Also in subsection (b) of this section, the former reference to the prohibition against replacing an expiring license that was in excess of the number provided in this section is deleted as an unnecessary statement of normal statutory interpretation.

Former Art. 2B, § 9–217(a), which stated that former Art. 2B, § 9–217 applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 26–101  
 “License” § 1–101

## **26–1602. LICENSES IN HYATTSVILLE.**

### **(A) LICENSE ISSUANCE RESTRICTED.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN HYATTSVILLE, THE BOARD MAY ISSUE A LICENSE ONLY FOR:**

- (1) BEER;**
- (2) LIGHT WINE; AND**
- (3) LIQUOR FOR CONSUMPTION ON THE PREMISES OF A HOLDER OF A CLASS B LICENSE.**

### **(B) LICENSE TRANSFER RESTRICTED.**

**(1) THE BOARD MAY APPROVE THE TRANSFER OF ONE CLASS B BEER, WINE, AND LIQUOR LICENSE WITH AN OFF-SALE PRIVILEGE FOR USE IN HYATTSVILLE.**

**(2) THE ANNUAL FEE FOR A LICENSE TRANSFERRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS \$1,500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–217(b).

Throughout this section, the former references to “the City of” Hyattsville are deleted as surplusage.

In subsection (a) of this section, the former phrase “as defined in § 6–201(r) of this article” is deleted as surplusage in light of the defined term “off–sale”.

In subsection (b) of this section, the reference to the Board “approv[ing] the” transfer “of” a license is added for accuracy.

Also in subsection (b) of this section, the former phrase “within the corporate limits of” is deleted as surplusage.

The former first sentence of Art. 2B, § 8–217(b), which prohibited a person from selling or giving away at a place of business in Hyattsville any alcoholic beverage other than beer, light wine, or liquor for consumption on the immediate premises of a Class B license, is deleted as redundant.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“License” § 1–101

“Off–sale” § 1–101

**26–1603. RESTRICTIONS ON ISSUANCE AND TRANSFER OF LICENSES IN 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, AND 47TH ALCOHOLIC BEVERAGES DISTRICTS.**

**(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE A NEW LICENSE WITH AN OFF–SALE PRIVILEGE IN, OR APPROVE THE TRANSFER OF A LICENSE WITH AN OFF–SALE PRIVILEGE INTO, A PART OF THE 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, OR 47TH ALCOHOLIC BEVERAGES DISTRICT IN THE COUNTY.**

**(2) THE BOARD MAY ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO AN AREA SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IF THE OFF–SALE PRIVILEGE OF THE LICENSE IS WAIVED.**

**(3) THE BOARD MAY CONVERT ONE CLASS D (ON–SALE) BEER AND WINE LICENSE ISSUED FOR PREMISES IN THE 7100 BLOCK OF BALTIMORE AVENUE IN COLLEGE PARK TO A CLASS D (ON– AND OFF–SALE) BEER AND WINE LICENSE FOR PREMISES IN THE 7100 TO 7200 BLOCK OF BALTIMORE AVENUE IN COLLEGE PARK.**

**(B) ALCOHOLIC BEVERAGES DISTRICTS COTERMINOUS WITH LEGISLATIVE DISTRICTS.**

**THE ALCOHOLIC BEVERAGES DISTRICTS DESCRIBED IN THIS SECTION AT ALL TIMES ARE COTERMINOUS WITH THE LEGISLATIVE DISTRICTS, OR PARTS OF THE LEGISLATIVE DISTRICTS LOCATED IN THE COUNTY, AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.**

**(C) AREAS INCLUDED IN 21ST ALCOHOLIC BEVERAGES DISTRICT.**

**THE PART OF THE 21ST ALCOHOLIC BEVERAGES DISTRICT LOCATED IN THE COUNTY CONSISTS OF:**

- (1) ELECTION DISTRICT 1;**
- (2) ELECTION DISTRICT 10, PRECINCTS 1 THROUGH 5, 9, 12, AND 13;**
- (3) ELECTION DISTRICT 21, PRECINCTS 1, 2, 4, 14, 15, AND 17;**
- (4) THE PART OF ELECTION DISTRICT 21, PRECINCT 5 CONSISTING OF CENSUS TRACT 8073.05, BLOCK 1014; AND**
- (5) THE PART OF ELECTION DISTRICT 21, PRECINCT 10 CONSISTING OF:**
  - (I) CENSUS TRACT 8067.03, BLOCKS 1010, 1011, AND 1014;**
  - (II) CENSUS TRACT 8069.00, BLOCKS 1000 THROUGH 1019 AND 3000 THROUGH 3021;**
  - (III) CENSUS TRACT 8070.00, BLOCKS 1000 THROUGH 1025; AND**
  - (IV) CENSUS TRACT 8074.08, BLOCKS 4015 AND 4016.**

**(D) AREAS INCLUDED IN 22ND ALCOHOLIC BEVERAGES DISTRICT.**

**THE 22ND ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

- (1) ELECTION DISTRICT 19;**
- (2) ELECTION DISTRICT 2, PRECINCTS 6 AND 10;**
- (3) ELECTION DISTRICT 14, PRECINCT 8;**
- (4) ELECTION DISTRICT 16, PRECINCTS 2 THROUGH 5;**

- (5) ELECTION DISTRICT 17, PRECINCTS 9 AND 12;
- (6) ELECTION DISTRICT 20, PRECINCTS 1, 2, 6, 7, AND 11;
- (7) ELECTION DISTRICT 21, PRECINCTS 3, 6 THROUGH 9, 11 THROUGH 13, AND 16;
- (8) THE PART OF ELECTION DISTRICT 2, PRECINCT 5 CONSISTING OF:
  - (I) CENSUS TRACT 8039.00, BLOCKS 1000 THROUGH 1013, 2000 THROUGH 2007, AND 3000 THROUGH 3015;
  - (II) CENSUS TRACT 8040.01, BLOCKS 2001 AND 2002; AND
  - (III) CENSUS TRACT 8040.02, BLOCKS 1003, 1010, 2000 THROUGH 2002, AND 2004;
- (9) THE PART OF ELECTION DISTRICT 2, PRECINCT 8 CONSISTING OF CENSUS TRACT 8063.00, BLOCK 2016;
- (10) THE PART OF ELECTION DISTRICT 16, PRECINCT 1 CONSISTING OF:
  - (I) CENSUS TRACT 8040.02, BLOCKS 2049 AND 2995;
  - (II) CENSUS TRACT 8063.00, BLOCKS 1000, 1012 THROUGH 1035, 1996 THROUGH 1999, 2001, 2003 THROUGH 2015, AND 2997 THROUGH 2999; AND
  - (III) CENSUS TRACT 8065.01, BLOCKS 2996, 2997, 3011 THROUGH 3015, 3996, AND 3997; AND
- (11) THE PART OF ELECTION DISTRICT 21, PRECINCT 10 CONSISTING OF:
  - (I) CENSUS TRACT 8067.03, BLOCK 1001; AND
  - (II) CENSUS TRACT 8074.08, BLOCK 4014.
- (E) AREAS INCLUDED IN 23RD ALCOHOLIC BEVERAGES DISTRICT.

**THE 23RD ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

**(1) DELEGATE DISTRICT 23A (TWO MEMBER DELEGATE DISTRICT) CONSISTING OF:**

- (I) ELECTION DISTRICT 7, PRECINCTS 1 THROUGH 5;**
- (II) ELECTION DISTRICT 10, PRECINCTS 6 THROUGH 8, 10, AND 11;**
- (III) ELECTION DISTRICT 14, PRECINCTS 1 THROUGH 7, 9, AND 10;**
- (IV) ELECTION DISTRICT 20, PRECINCTS 9 AND 10; AND**
- (V) THE PART OF ELECTION DISTRICT 20, PRECINCT 5 CONSISTING OF:**

- 1. CENSUS TRACT 8004.08, BLOCKS 2013, 2020, 2021, AND 2022;**
- 2. CENSUS TRACT 8036.07, BLOCKS 3009 THROUGH 3011; AND**
- 3. CENSUS TRACT 8036.08, BLOCKS 1000 THROUGH 1002, 1005 THROUGH 1009, 1011 THROUGH 1015, 2000 THROUGH 2006, AND 2008 THROUGH 2010; AND**

**(2) DELEGATE DISTRICT 23B (SINGLE MEMBER DELEGATE DISTRICT) CONSISTING OF:**

- (I) ELECTION DISTRICT 3, PRECINCTS 2 AND 3; AND**
- (II) ELECTION DISTRICT 7, PRECINCTS 6 THROUGH 11.**

**(F) AREAS INCLUDED IN 24TH ALCOHOLIC BEVERAGES DISTRICT.**

**THE 24TH ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

- (1) ELECTION DISTRICT 6, PRECINCTS 3, 6, 9, 12, 15, AND 19;**
- (2) ELECTION DISTRICT 13, PRECINCTS 1, 3, 5, 7, 8, 10, AND 14 THROUGH 17;**

(3) ELECTION DISTRICT 18, PRECINCTS 1 THROUGH 4 AND 7 THROUGH 11;

(4) ELECTION DISTRICT 20, PRECINCTS 4 AND 8;

(5) THE PART OF ELECTION DISTRICT 18, PRECINCT 5 CONSISTING OF:

(I) CENSUS TRACT 8031.00, BLOCKS 1003 THROUGH 1015, 1021, 1022, 1024 THROUGH 1029, AND 2000 THROUGH 2017; AND

(II) CENSUS TRACT 8033.00, BLOCKS 3006 AND 3008; AND

(6) THE PART OF ELECTION DISTRICT 18, PRECINCT 6 CONSISTING OF CENSUS TRACT 8028.04, BLOCKS 4005 AND 4006.

(G) AREAS INCLUDED IN 25TH ALCOHOLIC BEVERAGES DISTRICT.

THE 25TH ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:

(1) ELECTION DISTRICT 3, PRECINCT 4;

(2) ELECTION DISTRICT 6, PRECINCTS 1, 4, 5, 7, 10, 11, 14, 16, 18, AND 20 THROUGH 23;

(3) ELECTION DISTRICT 7, PRECINCT 12;

(4) ELECTION DISTRICT 9, PRECINCTS 1, 3, 10, AND 11;

(5) ELECTION DISTRICT 13, PRECINCTS 4, 6, 9, AND 11 THROUGH 13;

(6) ELECTION DISTRICT 15, PRECINCT 2; AND

(7) THE PART OF ELECTION DISTRICT 18, PRECINCT 6 CONSISTING OF CENSUS TRACT 8028.04, BLOCKS 1006 THROUGH 1009, 2000 THROUGH 2003, 3000 THROUGH 3021, 4000, AND 4002 THROUGH 4004.

(H) AREAS INCLUDED IN 26TH ALCOHOLIC BEVERAGES DISTRICT.

THE 26TH ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:

(1) ELECTION DISTRICT 12;



- (2) ELECTION DISTRICT 5, PRECINCTS 2, 3, AND 5 THROUGH 7;
- (3) ELECTION DISTRICT 6, PRECINCTS 2, 8, 13, AND 17; AND
- (4) ELECTION DISTRICT 9, PRECINCTS 2 AND 5.

(I) AREAS INCLUDED IN 27TH ALCOHOLIC BEVERAGES DISTRICT.

THE PART OF THE 27TH ALCOHOLIC BEVERAGES DISTRICT LOCATED IN THE COUNTY IS IN DELEGATE DISTRICT 27A (TWO MEMBER DELEGATE DISTRICT) AND CONSISTS OF:

- (1) ELECTION DISTRICTS 4, 8, AND 11;
- (2) ELECTION DISTRICT 3, PRECINCT 1;
- (3) ELECTION DISTRICT 5, PRECINCTS 1, 4, AND 8;
- (4) ELECTION DISTRICT 9, PRECINCTS 4 AND 6 THROUGH 9; AND
- (5) ELECTION DISTRICT 15, PRECINCTS 1, 3, AND 4.

(J) AREAS INCLUDED IN 47TH ALCOHOLIC BEVERAGES DISTRICT.

THE 47TH ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:

- (1) ELECTION DISTRICT 2, PRECINCTS 1 THROUGH 4, 7, AND 9;
- (2) ELECTION DISTRICT 13, PRECINCT 2;
- (3) ELECTION DISTRICT 17, PRECINCTS 1 THROUGH 8, 10, 11, 13, AND 14;
- (4) ELECTION DISTRICT 20, PRECINCT 3;
- (5) THE PART OF ELECTION DISTRICT 2, PRECINCT 5 CONSISTING OF:
  - (I) CENSUS TRACT 8040.01, BLOCK 2000; AND
  - (II) CENSUS TRACT 8040.02, BLOCK 2003;
- (6) THE PART OF ELECTION DISTRICT 2, PRECINCT 8 CONSISTING OF:

- (I) CENSUS TRACT 8039.00, BLOCKS 3016 AND 3017;
- (II) CENSUS TRACT 8040.01, BLOCKS 1000 THROUGH 1006, 2003, AND 2004;
- (III) CENSUS TRACT 8040.02, BLOCKS 1000, 1001, 1002, 1004 THROUGH 1009, 1011 THROUGH 1017, 2005, 2006, 2007, 2009 THROUGH 2034, 2040, 2047, 2048, 2994, AND 2996 THROUGH 2999; AND
- (IV) CENSUS TRACT 8043.00, BLOCKS 1000 THROUGH 1005, 1011, AND 1014 THROUGH 1018;
- (7) THE PART OF ELECTION DISTRICT 16, PRECINCT 1 CONSISTING OF CENSUS TRACT 8040.02, BLOCK 2008;
- (8) THE PART OF ELECTION DISTRICT 18, PRECINCT 5 CONSISTING OF:
  - (I) CENSUS TRACT 8031.00, BLOCKS 1000, 1001, 1002, 1016 THROUGH 1020, AND 1023; AND
  - (II) CENSUS TRACT 8033.00, BLOCK 3007;
- (9) THE PART OF ELECTION DISTRICT 20, PRECINCT 5 CONSISTING OF:
  - (I) CENSUS TRACT 8036.01, BLOCKS 1001 THROUGH 1005; AND
  - (II) CENSUS TRACT 8036.08, BLOCKS 1003, 1004, 1010, 2007, 3000 THROUGH 3005, 4000, AND 4002 THROUGH 4011; AND
- (10) THE PART OF ELECTION DISTRICT 21, PRECINCT 5 CONSISTING OF:
  - (I) CENSUS TRACT 8073.01, BLOCK 1001; AND
  - (II) CENSUS TRACT 8073.05, BLOCKS 1002 THROUGH 1013, 2001 THROUGH 2009, AND 2011 THROUGH 2014.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(l).

In subsection (a)(1) and (2) of this section, the former references to “the boundaries of” certain alcoholic beverages districts are deleted as surplusage.

In subsection (a)(1) of this section, the former reference to approving the transfer of an “additional” license into certain alcoholic beverages districts is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to “as long as the license remains within the boundaries of the district” is deleted as obsolete because the waiver applies to all licenses whether or not the license is in the alcoholic beverages district.

In subsection (a)(2) of this section, the former reference to any off-sale privileges of a license being “permanently” waived is deleted for accuracy since the privileges are waived only while the license is in the alcoholic beverages district.

In subsection (a)(3) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in subsection (a)(3) of this section, the former phrase “[n]otwithstanding any provision of this section” is deleted as surplusage.

Also in subsection (a)(3) of this section, the former phrase “on or after July 1, 2015” is deleted as obsolete.

Also in subsection (a)(3) of this section, the former references to “the City of” College Park are deleted as surplusage.

Subsection (b) of this section is revised to clarify that certain legislative districts, and not alcoholic beverages districts, were ordered by the Maryland Court of Appeals.

In subsection (b) of this section, the reference to the alcoholic beverages districts “described in this section” is substituted for the former references to specific alcoholic beverages districts contained in the first sentence of the introductory language of former Art. 2B, § 9–217(l)(i) through (viii) for brevity.

Also in subsection (b) of this section, the first sentences of the introductory language of former Art. 2B, § 9–217(l)(i) through (viii) are deleted as included in the reference to “the legislative districts, or parts of legislative districts located in the County, as ordered by the Maryland Court of Appeals on June 21, 2002”.

Throughout subsections (c) through (j) of this section, the former references to a “Prince George’s County” election district are deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (e)(1) and (2) of this section, the references to delegate districts “consist[ing] of” certain election districts are added for clarity.

In the introductory language of subsection (i) of this section, the reference to part of the “27th” alcoholic beverages district being in delegate district 27A is substituted for the former reference to part of the “21st” alcoholic beverages district being in delegate district 27A for accuracy and consistency within subsection (i) of this section. The Alcoholic Beverages Article Review Committee calls this substitution to the attention of the General Assembly. No substantive change is intended.

Defined terms: “Board” § 26–101

“County” § 26–101

“License” § 1–101

“Off–sale” § 1–101

#### **26–1604. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

##### **(A) SCOPE OF SECTION.**

##### **THIS SECTION DOES NOT APPLY TO:**

**(1) A HOLDER OF A CLASS B (RT) BEER, WINE, AND LIQUOR LICENSE, A CLASS BH (HOTEL) LICENSE, A CLASS BLX LICENSE, A CLASS BCE LICENSE, A CLASS B–DD (DEVELOPMENT DISTRICT) LICENSE, A CLASS B–TP (THEME PARK) LICENSE, A CLASS B–AE (ARTS AND ENTERTAINMENT) LICENSE, OR A PER DIEM LICENSE;**

**(2) AN ESTABLISHMENT THAT IS WITHIN:**

**(I) THE 500–FOOT RESTRICTED DISTANCE OF A PLACE OF WORSHIP, IF THE GOVERNING BODY OF THE PLACE OF WORSHIP CONSENTS IN WRITING TO THE ISSUANCE OF THE LICENSE AND THE CONSENT IS FILED WITH THE LICENSE APPLICATION; OR**

**(II) THE 1,000–FOOT RESTRICTED DISTANCE OF A PRIVATE KINDERGARTEN OR NURSERY SCHOOL;**

**(3) A RENEWAL OR EXTENSION OF A LICENSE ISSUED FOR AN ESTABLISHMENT THAT IS WITHIN THE 500–FOOT RESTRICTED DISTANCE OF A PLACE OF WORSHIP OR THE 1,000–FOOT RESTRICTED DISTANCE OF A SCHOOL BUILDING;**

(4) (I) A TRANSFER OF A LICENSE WITHIN 1,000 FEET OF A PLACE OF WORSHIP OR A SCHOOL BUILDING TO ANOTHER ESTABLISHMENT WITHIN THE SAME RESTRICTED DISTANCE; OR

(II) AN ASSIGNEE OF A LICENSE WITHIN THE SAME DISTANCE OF THE SAME PLACE OF WORSHIP OR SCHOOL BUILDING;

(5) THE ISSUANCE OF A LICENSE FOR AN ESTABLISHMENT TO WHICH A LICENSE OF THE SAME CLASS HAD BEEN ISSUED AND WAS IN EFFECT ON JUNE 1, 1965; AND

(6) THE RENEWAL OF A LICENSE IF A PLACE OF WORSHIP OR SCHOOL WAS BUILT WITHIN 1,000 FEET OF THE ESTABLISHMENT AFTER THE ORIGINAL ISSUANCE OF THE LICENSE.

(B) IN GENERAL.

(1) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 500 FEET OF A PLACE OF WORSHIP OR WITHIN 1,000 FEET OF A SCHOOL BUILDING.

(2) THE DISTANCE FROM AN ESTABLISHMENT TO A PLACE OF WORSHIP OR SCHOOL IS TO BE MEASURED FROM THE FRONT DOOR OR MAIN ENTRANCE OF THE ESTABLISHMENT, WHICHEVER IS NEAREST THE STREET ABUTTING THE SITE, ALONG THE NEAREST USUAL PEDESTRIAN ROUTE TO:

(I) THE CLOSEST DOOR THAT IS USED AS AN ENTRANCE OR EXIT TO THE SCHOOL; OR

(II) THE MAIN ENTRANCE OF THE PLACE OF WORSHIP.

(C) CLASS B-ECF/DS LICENSE EXCEPTION.

THE RESTRICTION ON THE DISTANCE BETWEEN THE LOCATION OF A SCHOOL AND A LICENSED PREMISES DOES NOT APPLY TO A CLASS B-ECF/DS LICENSE.

(D) EXCEPTIONS FOR SPECIFIC LOCATIONS.

(1) IN THE PART OF THE GATEWAY ARTS AND ENTERTAINMENT DISTRICT LOCATED IN HYATTSVILLE, AS DESIGNATED BY THE SECRETARY OF COMMERCE, THE FRONT DOOR OR MAIN ENTRANCE OF AN ESTABLISHMENT FOR

**WHICH A CLASS D BEER AND WINE LICENSE IS ISSUED MAY BE USED IF THE DOOR OR ENTRANCE IS AT LEAST 350 FEET FROM A PLACE OF WORSHIP.**

**(2) IN COLLEGE PARK, THE BOARD MAY ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS MORE THAN 400 FEET FROM A SCHOOL BUILDING IF THE LAND ON WHICH THE ESTABLISHMENT IS LOCATED IS IN A COMMERCIAL DISTRICT.**

**(3) IN LAUREL, THE BOARD MAY ISSUE A LICENSE FOR AN ESTABLISHMENT REGARDLESS OF ITS DISTANCE FROM A PLACE OF WORSHIP.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–217(e) and 6–201(r)(12)(xi).

In subsection (a)(1) of this section, the reference to a “holder of a Class B (RT) beer, wine, and liquor license, a Class BH (hotel) license, a Class BLX license, a Class BCE license, a Class B–DD (development district) license, a Class B–TP (theme park) license, a Class B–AE (arts and entertainment) license, or a per diem license” is substituted for the former reference to “any license issued under § 6–201(r)(3), (4), (6), (8), (15), (16), or (18) or § 7–101 of this article” for clarity.

In subsection (a)(2) of this section, the references to “the 500–foot restricted distance” of a place of worship and “the 1,000–foot restricted distance” of a school are substituted for the references to “[t]his restriction” for clarity. Similarly, in subsection (a)(3) of this section, the references to “the 500–foot restricted distance” of a place of worship and “the 1,000–foot restricted distance” of a school are substituted for the reference to “the requisite distance” for clarity.

In subsections (a)(3), (b)(1), and (d)(2) and (3) of this section, the references to an “establishment” are substituted for the former references to a “building” to conform to the terminology used throughout this article. Similarly, in subsection (a)(4) and (5) of this section, the references to an “establishment” are substituted for the former references to a “place of business”.

In subsection (a)(3) of this section, the former phrase describing a license “of any person or persons or for the use of a corporation or unincorporated association” is deleted as surplusage.

In subsection (a)(4) of this section, the former reference to an “assignment” of a license is deleted as included in the reference to a “transfer” of a license.

In subsection (a)(5) of this section, the former reference to the issuance of a license to an establishment “not having an alcoholic beverage license” is deleted as unnecessary because all establishments for which a license is applied for do not have a license at the time of application.

Also in subsection (a)(5) of this section, the former reference to “force” is deleted as unnecessary in light of the reference to “effect”.

In subsection (a)(6) of this section, the reference to a place of worship or school built within 1,000 feet “of the establishment” is added for clarity.

In subsections (b)(1) and (d)(2) and (3) of this section, the references to the “Board” are added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in subsections (b)(1) and (d)(2) and (3) of this section, the former references to a license “to sell alcoholic beverages” are deleted as included in the defined term “license”.

In the introductory language of subsection (b)(2) of this section, the reference to “[t]he distance from an establishment to a place of worship or school” being measured is substituted for the former reference to “[t]he 1,000 feet, or the 500 feet, as the case may be” for clarity.

Also in the introductory language of subsection (b)(2) of this section, the reference to the “site” is substituted for the former reference to the “premises” to conform to the terminology used throughout this article.

Also in the introductory language of subsection (b)(2) of this section, the former reference to the “proposed licensed” establishment is deleted as surplusage.

In subsection (d) of this section, the former references to “the City of Hyattsville, “the City of” College Park, and “the City of” Laurel are deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (a)(2)(i) of this section, which exempts an establishment under certain conditions from the prohibition against being located within 500 feet of a place of worship, may violate the Establishment Clause of the First Amendment of the United States Constitution. The exemption in subsection (a)(2)(i) applies if the governing body of the place of worship consents in writing to the issuance of the license and the consent is filed with the license application. This provision may be seen as giving a religious institution a veto power over the issuance of a license while providing no standards governing the exercise of that veto, thus allowing the power to be exercised for explicitly religious goals. *See Larkin v. Grendel’s Den*, 459 U.S. 116 (1982).

“License” § 1–101

**26–1605. COMMERCIAL FUEL PUMP RESTRICTION.**

**THE BOARD MAY NOT ISSUE A LICENSE FOR USE IN AN ESTABLISHMENT WITH A COMMERCIAL FUEL PUMP THAT IS:**

- (1) ON THE SITE; AND**
- (2) USED BY THE PUBLIC TO PURCHASE FUEL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–217(d).

In the introductory language of this section, the former phrase “[n]otwithstanding any other law to the contrary” is deleted as unnecessary in light of the organization of this revised article.

In item (1) of this section, the reference to the “site” is substituted for the former reference to the “premises” to conform to the terminology used throughout this article.

In item (2) of this section, the former reference to the “general” public is deleted as surplusage.

Defined terms: “Board” § 26–101  
“License” § 1–101

**26–1606. LICENSE FOR USE AT MOVIE THEATER.**

- (A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR USE ON THE SITE OF A MOVIE THEATER.**

- (B) EFFECT OF SECTION.**

**THIS SECTION DOES NOT PROHIBIT THE ISSUANCE OF A CLASS B–DH (DRAFTHOUSE) LICENSE FOR USE ON THE SITE OF A DRAFTHOUSE, AS DEFINED IN § 26–1007 OF THIS TITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(k).



In subsection (a) of this section, the reference to the “site” of a movie theater is substituted for the former reference to the “premises” of a movie theater to conform to the terminology used throughout this article. Similarly, in subsection (b) of this section, the reference to the “site” of a drafthouse is substituted for the former reference to the “premises” of a drafthouse.

Also, in subsection (a) of this section, the reference to a “movie” theater is substituted for the former reference to a “motion picture” theater to conform to the terminology used throughout this article.

Defined terms: “Board” § 26–101  
“License” § 1–101

## **26–1607. RESTRICTED SALES PROHIBITED.**

### **(A) IN GENERAL.**

**A LICENSE WITH AN OFF–SALE PRIVILEGE MAY NOT BE ISSUED OR USED IF THE LICENSE APPLICANT OR LICENSE HOLDER PROPOSES OR RESTRICTS THE SALE OF ALCOHOLIC BEVERAGES TO A SPECIFIC GROUP OR LIMITED MEMBERSHIP.**

### **(B) DUTY OF LICENSE HOLDER.**

**A LICENSE HOLDER WHO RESTRICTS THE SALE OF ALCOHOLIC BEVERAGES TO A SPECIFIC GROUP OR LIMITED MEMBERSHIP SHALL:**

**(1) REPORT THE RESTRICTION TO THE BOARD WITHIN 30 DAYS AFTER THE RESTRICTED SALE BEGAN; AND**

**(2) SURRENDER THE LICENSE TO THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217.1.

In subsection (a) of this section, the former phrase “in fact” is deleted as surplusage.

In the introductory language of subsection (b) of this section, the phrase “[a] license holder who restricts the sale of alcoholic beverages” is substituted for the former phrase “the holder conducts his business for the sale of alcoholic beverages” for clarity.

Also in the introductory language of subsection (b) of this section, the former phrase “[i]f after issuance of such a license” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to reporting “the restriction” is substituted for the former reference to reporting “such fact” for clarity.

Also in subsection (b)(1) of this section, the phrase “within 30 days after the restricted sale began” is substituted for the former phrase “within thirty days of the commencement of operation of such business in such manner” for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“License” § 1–101

“License holder” § 1–101

“Off–sale” § 1–101

#### **26–1608. TAKOMA PARK DISTANCE RESTRICTION.**

**WHILE A HOLDER OF A CLASS –TP TYPE LICENSE ISSUED BY THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS REMAINS IN THE SAME LOCATION WHERE THE LICENSE WAS LOCATED ON JULY 1, 1997, THE PRINCE GEORGE’S COUNTY BOARD OF LICENSE COMMISSIONERS MAY NOT ISSUE OR APPROVE THE TRANSFER OF A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF THAT LOCATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–216(d)(3)(iii).

The phrase “issued by the Montgomery County Board of License Commissioners” is added for clarity.

The reference to where “the license” was located is substituted for the former reference to where “it” was located for clarity.

The phrase “the Prince George’s County Board of License Commissioners may not issue or approve the transfer of a license for an establishment that is within” a specified distance is substituted for the former phrase “another license issued by Prince George’s County may not be granted or transferred to another Prince George’s licensee if the premises for which that license was issued is located within” a specified distance for clarity and brevity.

Defined term: “License” § 1–101

#### **26–1609. RESERVED.**

#### **26–1610. RESERVED.**

### **PART II. MULTIPLE LICENSING PLANS.**

**26-1611. DETERMINATION ON INTERESTS IN LICENSES.****(A) IN GENERAL.**

**AN INTEREST SHALL BE CONCLUSIVELY PRESUMED TO EXIST BETWEEN TWO LICENSE HOLDERS OR A LICENSE HOLDER AND AN APPLICANT FOR A LICENSE IF ANY OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:**

- (1) A FRANCHISE AGREEMENT;**
- (2) A LICENSING AGREEMENT;**
- (3) A CONCESSION AGREEMENT;**
- (4) BOTH ARE PART OF A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED AND SO PORTRAYED TO THE PUBLIC;**
- (5) ANY SHARING OF DIRECTORS OR STOCKHOLDERS OR ANY SHARING OF DIRECTORS OR STOCKHOLDERS OF PARENTS OR SUBSIDIARIES;**
- (6) COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES; OR**
- (7) SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO, OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC, EXCEPT HOTELS AND MOTELS.**

**(B) DETERMINATION OF MULTIPLE INTERESTS.**

**(1) THE BOARD SHALL MAKE DETERMINATIONS UNDER THIS SECTION WITHOUT REGARD TO WHETHER A PARTICULAR LICENSE HOLDER OR PROPOSED LICENSE HOLDER IS OR MAY BE AN INDEPENDENT CONTRACTOR FOR PURPOSES OTHER THAN THE APPLICATION OF THIS SECTION.**

**(2) IF THE BOARD DETERMINES AFTER A HEARING THAT AN INTEREST EXISTS IN MORE THAN ONE LICENSE, THE BOARD SHALL REFUSE TO ISSUE A NEW LICENSE OR SHALL REVOKE AN EXISTING LICENSE UNLESS THE LICENSE IS OPERATIONAL AND COMPLIED WITH LAW APPLICABLE AT THE TIME OF THE ISSUANCE OF THE LICENSE.**

**(C) WHOLESALE LICENSE HOLDERS.**

**A WHOLESALE LICENSE HOLDER IS CONSIDERED A LICENSE HOLDER FOR PURPOSES OF THIS SECTION AND MAY NOT HOLD OR HAVE AN INTEREST, DIRECTLY OR INDIRECTLY, IN A LICENSE OF A CLASS THAT AUTHORIZES RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(f)(4) and (1)(ii), (iii), and (iv).

Former Art. 2B, § 9–217(f)(2), which exempted certain licenses from former Art. 2B, § 9–217(f), is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 26–101

“County” § 26–101

“License” § 1–101

**26–1612. CLASS B LICENSES FOR UNDERSERVED AREAS.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A RESTAURANT WITHIN A CHAIN STORE, SUPERMARKET, DISCOUNT HOUSE, DRUG STORE, OR CONVENIENCE STORE.**

**(B) MORE THAN ONE LICENSE AVAILABLE.**

**THE BOARD MAY ALLOW A PERSON TO HOLD OR HAVE AN INTEREST IN MORE THAN ONE CLASS B BEER, WINE, AND LIQUOR LICENSE IF THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT IS WITHIN:**

**(1) ANY OF THE FOLLOWING AREAS THAT ARE UNDERSERVED BY RESTAURANTS:**

**(I) SUTLAND BUSINESS DISTRICT, CONSISTING OF PROPERTIES FRONTING ON OR HAVING ACCESS TO SILVER HILL ROAD BETWEEN SUTLAND PARKWAY AND SUNSET LANE, AND ON SUTLAND ROAD BETWEEN ARNOLD ROAD AND EASTERN LANE;**

**(II) PART OF THE PORT TOWNS BUSINESS DISTRICT, CONSISTING OF PROPERTIES FRONTING ON OR HAVING ACCESS TO RHODE ISLAND AVENUE, BLADENSBURG ROAD, ANNAPOLIS ROAD, OR 38TH STREET, IN LEGISLATIVE DISTRICT 22; OR**

**(III) LARGO AREA, CONSISTING OF PROPERTIES WITHIN THE AREA BOUNDED BY:**

1. THE CAPITAL BELTWAY (I-495) ON THE WEST;
2. CENTRAL AVENUE AND LANDOVER ROAD ON THE SOUTH AND SOUTHEAST;
3. CAMPUS WAY NORTH ON THE EAST; AND
4. ROUTE 214 AND LANDOVER ROAD ON THE NORTH AND NORTHWEST; OR

(2) (I) A WATERFRONT ENTERTAINMENT RETAIL COMPLEX AS DEFINED BY A COUNTY ZONING ORDINANCE; OR

(II) A COMMERCIAL ESTABLISHMENT ON 100 OR MORE ACRES THAT IS DESIGNATED BY THE COUNTY EXECUTIVE AS A RECREATIONAL, DESTINATION, OR ENTERTAINMENT ATTRACTION.

(C) MAXIMUM NUMBER OF CLASS B LICENSES.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER MAY NOT HOLD MORE THAN FOUR CLASS B BEER, WINE, AND LIQUOR LICENSES WITHIN ALL OF THE UNDERSERVED AREAS DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION.

(2) (I) A LICENSE HOLDER MAY BE ISSUED OR TRANSFERRED A FIFTH CLASS B BEER, WINE, AND LIQUOR LICENSE ONLY IF THE DATE OF THE APPLICATION FOR THE FIFTH LICENSE IS AT LEAST 1 YEAR AFTER THE DATE THE LICENSE HOLDER WAS ISSUED OR TRANSFERRED THE FOURTH LICENSE.

(II) A LICENSE HOLDER MAY BE ISSUED OR TRANSFERRED A SIXTH CLASS B BEER, WINE, AND LIQUOR LICENSE ONLY IF THE DATE OF THE APPLICATION FOR THE SIXTH LICENSE IS AT LEAST 1 YEAR AFTER THE DATE THE LICENSE HOLDER WAS ISSUED OR TRANSFERRED THE FIFTH LICENSE.

(D) LIMIT IN INTERESTS OUTSIDE UNDERSERVED AREAS.

A PERSON THAT HOLDS OR HAS AN INTEREST IN A LICENSE IN AN UNDERSERVED AREA DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION MAY NOT HOLD OR HAVE AN INTEREST IN MORE THAN ONE LICENSE LOCATED OUTSIDE ALL THE UNDERSERVED AREAS.

(E) COMMERCIAL ESTABLISHMENTS.

**A PERSON MAY NOT HOLD OR HAVE AN INTEREST IN MORE THAN ONE LICENSE IN A COMMERCIAL ESTABLISHMENT DESCRIBED IN SUBSECTION (B)(2) OF THIS SECTION.**

**(F) NO OFF-SALE PRIVILEGE.**

**A CLASS B LICENSE OBTAINED UNDER THIS SECTION DOES NOT CONFER AN OFF-SALE PRIVILEGE.**

**(G) MAXIMUM NUMBER OF LICENSES.**

**THE LIMIT ON THE MAXIMUM NUMBER OF CLASS B BEER, WINE, AND LIQUOR LICENSES IN THE COUNTY UNDER § 26-1601 OF THIS SUBTITLE APPLIES TO THE ISSUANCE OF LICENSES UNDER THIS SECTION.**

**(H) FEE.**

**THE ANNUAL LICENSE FEE FOR A CLASS B LICENSE OBTAINED UNDER THIS SECTION IS \$2,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(f)(5)(i) through (vii) and (ix).

In subsections (b), (d), and (e) of this section, the defined term "person" is substituted for the former references to "partnership, corporation, unincorporated association, or limited liability company" for brevity and consistency within the article.

In the introductory language of subsection (b) of this section, the former phrase "[n]otwithstanding any other provision of this article" is deleted as surplusage.

Former Art. 2B, § 9-217(f)(5)(viii), which established a residency requirement for an applicant for a Class B license, is deleted as unnecessary because the residency requirement applies to all applicants, regardless of license type.

Defined terms: "Board" § 26-101

"License" § 1-101

"Person" § 1-101

**26-1613. CLASS B-DD (DEVELOPMENT DISTRICT) 7-DAY BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-DD (DEVELOPMENT DISTRICT) 7-DAY BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A RESTAURANT IN ANY SINGLE AREA DESIGNATED IN § 26-1614 OF THIS SUBTITLE.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(C) RESTAURANT REQUIREMENTS.**

**(1) AN APPLICANT FOR A LICENSE FOR A RESTAURANT IN A SINGLE AREA DESCRIBED IN § 26-1614 OF THIS SUBTITLE IS NOT ELIGIBLE FOR A CLASS B-DD LICENSE UNLESS:**

**(I) THE RESTAURANT MEETS ALL OF THE REQUIREMENTS SET OUT IN PARAGRAPH (2) OF THIS SUBSECTION; AND**

**(II) THE AVERAGE DAILY RECEIPTS OF THE RESTAURANT FROM THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES EXCEED THE AVERAGE DAILY RECEIPTS OF THE RESTAURANT FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(2) A RESTAURANT SHALL:**

**(I) BE LOCATED IN A PERMANENT BUILDING WITH SUFFICIENT SPACE AND ACCOMMODATIONS FOR PREPARING, SERVING, AND SELLING HOT MEALS TO THE PUBLIC DURING THE RESTAURANT'S HOURS OF OPERATION;**

**(II) HAVE THE MINIMUM SANITARY FACILITIES REQUIRED BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

**(III) MEET THE MINIMUM HEALTH REQUIREMENTS ADOPTED BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

**(IV) HAVE A DINING AREA WITH SUFFICIENT TABLES, CHAIRS, OR BOOTHS TO COMFORTABLY SEAT AND ACCOMMODATE THE PUBLIC;**

**(V) BE EQUIPPED WITH A KITCHEN THAT HAS COMPLETE FACILITIES AND UTENSILS FOR PREPARING HOT AND COLD MEALS FOR THE PUBLIC;**

(VI) EMPLOY A SUFFICIENT NUMBER OF COOKS AND WAIT STAFF TO SERVE THE PUBLIC USING THE DINING AREA;

(VII) MAINTAIN AND DISPLAY A MENU THAT ADVERTISES THE SERVING OF A VARIETY OF HOT MEALS; AND

(VIII) MAINTAIN SUFFICIENT FOOD ON THE PREMISES AT ALL TIMES TO FILL AN ORDER MADE FROM THE MENU.

(3) THE BOARD MAY REVOKE A LICENSE TO ENFORCE THIS SUBSECTION.

(4) THE LICENSE HOLDER SHALL SUBMIT TO THE BOARD A MONTHLY REPORT OF THE RESTAURANT'S AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES AND THE RESTAURANT'S AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES TO VERIFY THAT THE RESTAURANT HAS MET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION.

(D) ISSUANCE OF LICENSES.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD SHALL DETERMINE:

(I) THE NUMBER OF LICENSES TO BE ISSUED;

(II) TO WHOM THE LICENSES MAY BE ISSUED; AND

(III) THE NUMBER OF LICENSES EACH RECIPIENT MAY HOLD.

(2) THE BOARD MAY NOT ISSUE THE LICENSE FOR USE BY A RESTAURANT IN A SINGLE AREA DESCRIBED IN § 26-1614 OF THIS SUBTITLE IF:

(I) SIX RESTAURANTS ARE OPERATING WITH A CLASS B-DD LICENSE IN THE AREA; OR

(II) THE APPLICANT IS THE LICENSE HOLDER OF THREE CLASS B-DD LICENSES.

(E) ADDITIONAL LICENSES.

(1) A LICENSE HOLDER MAY HOLD A CLASS B-DD LICENSE IN ADDITION TO ANY OTHER LICENSE ISSUED UNDER THIS ARTICLE.



**(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR EACH CLASS B-DD LICENSE A PERSON IS ISSUED, THE PERSON MAY OBTAIN ONE OTHER CLASS B LICENSE LOCATED ANYWHERE IN THE COUNTY IF ALL REQUIREMENTS FOR THE CLASS B LICENSE ARE MET.**

**(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CLASS B LICENSE THAT IS ISSUED FOR USE IN A RESTAURANT IN A DEVELOPMENT DISTRICT UNDER § 26-1614 OF THIS SUBTITLE TO A HOLDER OF A CLASS B-DD LICENSE REMAINS IN EFFECT ONLY AS LONG AS THE RESTAURANT IN THE DEVELOPMENT DISTRICT REMAINS OPEN FOR BUSINESS AS A RESTAURANT.**

**(II) IF A RESTAURANT IN THE DEVELOPMENT DISTRICT IS CLOSED FOR NOT MORE THAN 6 MONTHS, THE CLASS B LICENSE SHALL REMAIN IN EFFECT.**

**(F) TRANSFER OF LICENSE.**

**THE BOARD MAY APPROVE THE TRANSFER OF THE OWNERSHIP OF A LICENSE FOR USE AT THE SAME LOCATION BUT NOT FOR USE AT A DIFFERENT LOCATION.**

**(G) PROHIBITED LOCATIONS.**

**THE BOARD MAY NOT ISSUE THE LICENSE FOR USE BY A RESTAURANT IN A CHAIN STORE, SUPERMARKET, DISCOUNT HOUSE, DRUG STORE, OR CONVENIENCE STORE.**

**(H) FEE.**

**THE ANNUAL LICENSE FEE IS \$3,025.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(r)(15) and (1)(ii)3.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Subsection (b)(1) of this section states expressly what was only implicit in the former law, that the Board is the license issuing authority.

Subsection (c)(2) of this section, which states expressly the requirements for a restaurant, is substituted for the former reference to "all of the requirements set forth in paragraph (1)(ii)3 of this subsection" for clarity.

In the introductory language of subsection (d)(2) of this section, the former phrase “at the time of issuance” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“Restaurant” § 1–101

“Wine” § 1–101

**26–1614. CLASS B–DD LICENSES — LIMITS ON ISSUANCE IN CERTAIN AREAS.**

**(A) IN GENERAL.**

**THE BOARD MAY ISSUE:**

**(1) UP TO FOUR CLASS B–DD (DEVELOPMENT DISTRICT) LICENSES FOR RESTAURANTS LOCATED WITHIN THE CAPITAL PLAZA COMMERCIAL AREA, CONSISTING OF COMMERCIAL PROPERTIES WITHIN THE AREA BOUNDED BY THE BALTIMORE–WASHINGTON PARKWAY ON THE WEST AND NORTHWEST, MARYLAND ROUTE 450 ON THE SOUTH, AND COOPER LANE ON THE EAST AND NORTHEAST;**

**(2) UP TO FOUR CLASS B–DD (DEVELOPMENT DISTRICT) LICENSES FOR RESTAURANTS LOCATED WITHIN THE AREA OF GREENBELT STATION, LOCATED INSIDE THE CAPITAL BELTWAY AND ADJACENT TO THE GREENBELT METRO STATION;**

**(3) UP TO SIX CLASS B–DD (DEVELOPMENT DISTRICT) LICENSES FOR RESTAURANTS LOCATED WITHIN THE AREA OF RITCHIE STATION MARKETPLACE; AND**

**(4) SUBJECT TO SUBSECTION (B) OF THIS SECTION, UP TO SIX CLASS B–DD (DEVELOPMENT DISTRICT) LICENSES FOR RESTAURANTS LOCATED WITHIN THE TOWNE CENTRE AT LAUREL.**

**(B) CONVERTED LICENSE ALLOWED IN TOWNE CENTRE AT LAUREL.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY CONVERT ONE CLASS B–DD LICENSE TO A CLASS A BEER, WINE, AND LIQUOR LICENSE, TO BE ISSUED TO AN ESTABLISHMENT IN THE TOWNE CENTRE AT LAUREL.**

**(2) IF THE BOARD CONVERTS A CLASS B–DD LICENSE TO A CLASS A BEER, WINE, AND LIQUOR LICENSE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE MORE THAN FIVE CLASS B–DD LICENSES UNDER SUBSECTION (A)(4) OF THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(f)(7) and (o).

In the introductory language of subsection (a) of this section, the phrase “[s]ubject to § 6–201(r)(15) of this article,” is deleted as surplusage.

Defined term: “Board” § 26–101

#### **26–1615. BH LICENSES.**

##### **THE BOARD MAY AUTHORIZE A PERSON TO HOLD OR HAVE AN INTEREST IN AN UNLIMITED NUMBER OF BH LICENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(f)(3).

The defined term “person” is substituted for the former reference to “individual, partnership, or corporation” for brevity and consistency within this article.

The former phrase “[n]otwithstanding other provisions of this subsection or other provisions of this article,” is deleted as surplusage.

Defined terms: “Board” § 26–101  
“Person” § 1–101

#### **26–1616. CLASS BLX LICENSES.**

##### **(A) ESTABLISHED.**

##### **THERE IS A CLASS BLX LICENSE.**

##### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A LUXURY–TYPE RESTAURANT, AS DEFINED IN REGULATIONS OF THE BOARD, THAT HAS:**

**(I) A MINIMUM CAPITAL INVESTMENT OF \$1,000,000 FOR A DINING ROOM FACILITY AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF THE LAND, BUILDING, OR LEASE; AND**

**(II) SEATING FOR AT LEAST 100 INDIVIDUALS.**

**(2) IF THE CRITERIA UNDER PARAGRAPH (1) OF THIS SUBSECTION ARE MET, THE BOARD MAY ISSUE OR TRANSFER ONE CLASS BLX LICENSE ON BEHALF OF:**

**(I) THE COUNTY;**

**(II) THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION; OR**

**(III) A PRIVATE CONCESSIONAIRE UNDER CONTRACT WITH:**

**1. THE COUNTY; OR**

**2. THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION.**

**(3) THE BOARD MAY DETERMINE:**

**(I) THE NUMBER OF LICENSES TO BE ISSUED;**

**(II) TO WHOM THE LICENSE MAY BE ISSUED; AND**

**(III) WHETHER A HOLDER OF AN ALCOHOLIC BEVERAGES LICENSE MAY HAVE AN INTEREST IN ONE CLASS BLX LICENSE.**

**(4) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION.**

**(c) 10–LICENSE LIMIT.**

**(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PERSON MAY NOT HOLD MORE THAN 10 CLASS BLX LICENSES.**

**(2) THE BOARD MAY ISSUE:**

**(I) A FIFTH LICENSE TO A LICENSE HOLDER ONLY IF THE DATE OF APPLICATION FOR THE FIFTH LICENSE IS AT LEAST 1 YEAR AFTER THE DATE THE LICENSE HOLDER WAS ISSUED THE FOURTH LICENSE; AND**

**(II) A SIXTH LICENSE ONLY IF THE DATE OF APPLICATION FOR THE SIXTH LICENSE IS AT LEAST 1 YEAR AFTER THE DATE THE LICENSE HOLDER WAS ISSUED THE FIFTH LICENSE.**

**(3) IN DETERMINING WHETHER TO ISSUE A FIFTH, SIXTH, SEVENTH, EIGHTH, NINTH, OR TENTH LICENSE TO A SINGLE LICENSE HOLDER, THE BOARD:**

**(I) SHALL CONSIDER THE NUMBER OF LICENSED ESTABLISHMENTS EXISTING IN THE AREA SURROUNDING THE SITE OF THE PROPOSED LICENSED ESTABLISHMENT; AND**

**(II) MAY ISSUE AN ADDITIONAL LICENSE ONLY IF THE BOARD DETERMINES THAT THE PROPOSED LICENSED ESTABLISHMENT WILL ENHANCE THE RECREATIONAL, BUSINESS, AND ECONOMIC DEVELOPMENT OF THE AREA.**

**(D) USE OF PROFITS.**

**THE PROFIT REALIZED FROM THE SALE OF AN ALCOHOLIC BEVERAGE UNDER A LICENSE ISSUED UNDER SUBSECTION (B)(2) OF THIS SECTION MAY BE FOR THE USE AND BENEFIT OF THE LICENSE HOLDER.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$3,025.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(6)(i), (ii), (iv), (v), and (iii)1 through 9.

In subsection (b)(1)(ii) of this section, the reference to “individuals” is substituted for the former, broader reference to “persons” because the provision refers only to human beings.

Also in subsection (b)(1)(ii) of this section, the former reference to seating “capacity” is deleted as surplusage.

In the introductory language of subsection (b)(3) of this section, the reference to “may” is substituted for the former reference to “has complete discretion” for clarity and brevity.

In subsection (b)(3)(iii) of this section, the former reference to an “existing license” holder of an alcoholic beverages license is deleted as implicit in the reference to a “holder of an alcoholic beverages license”.

In subsection (b)(4) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

Also in subsection (b)(4) of this section, the language authorizing the license holder “to sell beer, wine, and liquor” is substituted for the former language describing the license as “limited and restricted to the purpose of providing

alcoholic beverages” to avoid the misleading implication that the license authorizes the holder only to provide beer, wine, and liquor without charge.

In subsection (c)(1) of this section, the defined term “person” is substituted for the former reference to an “individual or corporation” for brevity.

In subsection (c)(2) of this section, the language stating that “[t]he Board may issue” a license is substituted for the former language that “[a] license holder may be issued” a license to state expressly what was only implicit in the former law, that the Board is the agency that issues licenses.

In subsection (d) of this section, the reference to “the license holder” is substituted for the former reference to “Prince George’s County, the Maryland–National Capital Park and Planning Commission, or a concessionaire under contract as provided under subparagraph (iv) of this paragraph” for brevity.

Former Art. 2B, § 6–201(r)(6)(iii)10, which stated that certain residency requirements do not apply to Class BLX licenses, is deleted as redundant of §§ 26–1405 and 26–1406 of this title.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“County” § 26–101

“Person” § 1–101

## **26–1617. CLASS B–RD LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B–RD (REVITALIZATION DISTRICT) LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

#### **(1) THE BOARD MAY ISSUE THE LICENSE TO AN APPLICANT THAT:**

##### **(I) IS LOCATED AND REMAINS IN:**

**1. A DESIGNATED MARYLAND MAIN STREET WITH A LOCAL MANAGEMENT AUTHORITY;**

**2. A DESIGNATED REVITALIZATION AREA; OR**

**3. AN AREA WITH A REVITALIZATION PLAN THAT HAS BEEN ADOPTED LOCALLY;**

**(II) HAS GROSS SALES:**

1. THAT DO NOT EXCEED \$150,000 PER YEAR; AND
2. OF WHICH AT LEAST 80% ARE DERIVED FROM THE SALE OF FOOD; AND

**(III) IS PRIMARILY A RESTAURANT AT WHICH CUSTOMERS ARE SEATED TO EAT.**

**(2) THE LICENSE AUTHORIZES THE HOLDER TO SELL LIQUOR AT RETAIL FOR ON-PREMISES CONSUMPTION IN ANY PREMISES LICENSED FOR CLASS B-RD SALES.**

**(C) HOURS AND DAYS OF SALE.**

**THE HOURS AND DAYS FOR SALE ARE AS PROVIDED IN § 26-2005(H) OF THIS TITLE.**

**(D) NUMBER OF LICENSES.**

**THE BOARD SHALL DETERMINE THE NUMBER OF LICENSES TO BE ISSUED.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$725.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-1001(a) and (c) through (h).

In subsection (b)(1) of this section, the definition of the former defined term "district" is revised as a substantive provision for brevity.

Also in subsection (b)(1) of this section, the defined term "Board" is substituted for the former reference to "the office where Class B licenses are issued in the county" for brevity.

Former Art. 2B, § 8-1001(b), which stated that former Art. 2B, § 8-1001 applied only in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 26-101

"Restaurant" § 1-101

**26-1618. FRANCHISES.****(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A RESTAURANT LOCATED IN A CHAIN STORE, SUPERMARKET, DISCOUNT HOUSE, DRUG STORE, OR CONVENIENCE STORE.**

**(B) CLASS B LICENSES AUTHORIZED.**

**IN ACCORDANCE WITH THE LICENSE QUOTA LIMITATIONS UNDER § 26-1601 OF THIS SUBTITLE, THE BOARD MAY ISSUE OR TRANSFER A CLASS B BEER (ON-SALE) LICENSE OR CLASS B BEER AND WINE (ON-SALE) LICENSE FOR USE BY:**

**(1) A FRANCHISEE WHO OPERATES A RESTAURANT UNDER A FRANCHISE AGREEMENT WITH A FRANCHISOR; OR**

**(2) A PERSON WHO OPERATES A RESTAURANT UNDER A BUSINESS LICENSING AGREEMENT THAT:**

**(I) IS MADE WITH A LICENSOR; AND**

**(II) AUTHORIZES A PERSON, IN THE OPERATION OF A RESTAURANT, TO USE A TRADEMARK, TRADE NAME, OR OTHER IDENTIFYING SYMBOL OWNED BY A LICENSOR.**

**(C) EXCEPTION TO GENERAL RULE FOR FRANCHISORS.**

**THE BOARD MAY ISSUE OR TRANSFER A LICENSE UNDER SUBSECTION (B) OF THIS SECTION REGARDLESS OF WHETHER A CLASS B BEER (ON-SALE) LICENSE OR CLASS B BEER AND WINE (ON-SALE) LICENSE HAS BEEN ISSUED OR TRANSFERRED FOR USE BY:**

**(1) ANOTHER FRANCHISEE OPERATING A RESTAURANT UNDER A FRANCHISE AGREEMENT WITH THE SAME FRANCHISOR; OR**

**(2) ANOTHER PERSON OPERATING A RESTAURANT UNDER A BUSINESS LICENSING AGREEMENT WITH THE SAME LICENSOR.**

**(D) NO OWNERSHIP INTEREST; LICENSOR AND FRANCHISOR FEES.**

**A LICENSOR OR FRANCHISOR:**



**(1) IS PROHIBITED FROM HAVING AN OWNERSHIP INTEREST IN AN ENTITY THAT RECEIVES A CLASS B BEER (ON-SALE) LICENSE OR CLASS B BEER AND WINE (ON-SALE) LICENSE UNDER THIS SECTION; BUT**

**(2) UNDER A BUSINESS LICENSING AGREEMENT OR FRANCHISE AGREEMENT, MAY BE PAID A FEE THAT IS BASED ON A PERCENTAGE OF REVENUE BY A PERSON THAT RECEIVES A CLASS B BEER (ON-SALE) LICENSE OR CLASS B BEER AND WINE (ON-SALE) LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(f)(6)(i) through (iv) and (vi).

In the introductory language of subsection (c) of this section, the former phrase “[n]otwithstanding paragraph (1) of this subsection or other provisions of this article,” is deleted as surplusage.

Former Art. 2B, § 9-217(f)(6)(v), which prohibited a person that receives a Class B beer (on-sale) or Class B beer and wine (on-sale) license under former § 9-217(f)(6) from holding another Class B beer (on-sale) or Class B beer and wine (on-sale) license unless authorized under another provision of law, is deleted as redundant.

Defined terms: “Board” § 26-101

“License” § 1-101

“Person” § 1-101

## **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

### **26-1701. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**AND**

**(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”).**

#### **(B) EXCEPTION.**

**SECTION 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 26-1708 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 26-1709 OF THIS SUBTITLE; AND**

**(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 26-1706 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of the names of officers on licenses.

Defined terms: “County” § 26-101  
“License” § 1-101

**26-1702. TRANSFER REQUIREMENTS.**

**(A) TWO-YEAR MORATORIUM.**

**THE BOARD MAY NOT APPROVE THE TRANSFER OF A LICENSE FROM ONE LOCATION TO ANOTHER:**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR AT LEAST 2 YEARS AFTER THE ISSUANCE OF A NEW LICENSE; AND**

**(2) UNLESS THE BOARD DETERMINES THAT:**

**(I) THE TRANSFER TO THE NEW LOCATION IS NECESSARY TO ACCOMMODATE THE PUBLIC; AND**

**(II) THE TRANSFEREE HAS COMPLIED WITH THE RESIDENCY REQUIREMENTS SPECIFIED IN § 26-1406(C) OF THIS TITLE.**

**(B) TRANSFER MADE BY RECEIVER OR TRUSTEE.**

**SUBJECT TO THE APPROVAL OF THE BOARD, A RECEIVER OR TRUSTEE MAY TRANSFER OWNERSHIP AND LOCATION OF A LICENSE FOR THE BENEFIT OF CREDITORS OF A LICENSE HOLDER WITHIN 6 MONTHS AFTER:**

- (1) APPOINTMENT AS THE RECEIVER OR TRUSTEE; OR**
- (2) THE DEATH OF THE LICENSE HOLDER.**

**(C) LIMITS ON TIMING OF TRANSFER.**

**(1) THE BOARD MAY APPROVE A TRANSFER OF LOCATION OR OWNERSHIP WITHIN 2 YEARS AFTER A TRANSFER OF LOCATION HAS BEEN AUTHORIZED.**

**(2) THIS PARAGRAPH DOES NOT PROHIBIT A TRANSFER OF OWNERSHIP FOR CONTINUANCE OF A BUSINESS IN THE SAME LOCATION, UNLESS THERE HAS BEEN A TRANSFER OF LOCATION FOR THE LICENSE WITHIN 2 YEARS.**

**(D) SECURITY AGREEMENT.**

**A TRANSFER OF A LICENSE IN ACCORDANCE WITH A SECURITY AGREEMENT IS SUBJECT TO APPROVAL BY THE BOARD LIKE ANY OTHER LICENSE TRANSFER, EXCEPT THAT THE WRITTEN CONSENT AND COOPERATION OF THE EXISTING LICENSE HOLDER IS NOT REQUIRED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-501(b)(4)(iii) and 10-503(r)(2) and (4).

In the introductory language of subsection (a) of this section, the reference to from "one location to another" is substituted for the former reference to from "the present location to a new location" for clarity.

In subsection (a)(1) of this section, the reference to "at least" 2 years is added to state explicitly what was formerly only implicit in the former law, that 2 years is the minimum time that the Board may not approve a transfer.

Also in subsection (a)(1) of this section, the phrase "except as provided in subsection (b) of this section" is substituted for former Art. 2B, § 10-503(r)(2)(ii), which stated that "[t]he provisions of this paragraph do not apply to the transfer or assignment of an alcoholic beverages license that is made by a receiver or trustee for the benefit of the creditors of a licensee or a transfer that is made due to the death of a licensee". A transfer made by a receiver or trustee for the benefit of creditors or made due to the death of a licensee is covered under subsection (b) of this section.

In subsection (a)(2)(i) of this section, the former reference to the “proposed” new location is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to an “assignee” is deleted as included in the reference to a “transferee”.

In subsection (d) of this section, the word “like” is substituted for the former phrase “in the same manner as is” for brevity.

Former Art. 2B, § 10–503(r)(1), which stated that former Art. 2B, § 10–503(r) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (c) of this section does not prohibit a transfer of ownership for continuance of a business in the same location, unless there has been a transfer of location for the license within 2 years. However, it is unclear when the 2–year period begins.

Defined terms: “Board” § 26–101

“License” § 1–101

“License holder” § 1–101

### **26–1703. RESTRICTIONS ON TRANSFER TO CHAIN STORES, SUPERMARKETS, OR DISCOUNT HOUSES.**

**THE BOARD MAY NOT APPROVE THE TRANSFER OF A LICENSE THAT HAS AN OFF–SALE PRIVILEGE TO:**

**(1) AN ESTABLISHMENT COMMONLY KNOWN AS A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE; OR**

**(2) A FRANCHISOR, FRANCHISEE, OR CONCESSIONAIRE OF THE ESTABLISHMENT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(h)(1), as it related to the transfer of a license for a chain store, supermarket, or discount store.

This section is revised in the active voice to clarify that it is the Board of License Commissioners that is prohibited from approving the transfer of certain licenses.

In the introductory language of this section, the former reference to a license “of any class” is deleted as included in the defined term “license”.

In this section, the former reference to a “business” establishment is deleted as surplusage.

Former Art. 2B, § 9–217(h)(2), which authorized the transfer of a Class D beer and light wine license for use by a supermarket or similar type of business, is deleted as obsolete because the transfer has occurred.

Defined terms: “Board” § 26–101

“License” § 1–101

“Off–sale” § 1–101

#### **26–1704. RESIDENCY REQUIREMENTS.**

**THE RESIDENCY REQUIREMENTS UNDER § 26–1406(C) OF THIS TITLE APPLY TO A TRANSFER OF A LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(j), as it related to the transfer of a license.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the residency requirements referred to in this section may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined term: “License” § 1–101

#### **26–1705. HEARING ON LICENSE TRANSFERS.**

**A HEARING ON AN APPLICATION FOR A LICENSE TRANSFER SHALL OCCUR AND FOLLOW THE REQUIREMENTS FOR A HEARING ON AN APPLICATION FOR A NEW LICENSE UNDER §§ 26–1511 THROUGH 26–1513 OF THIS TITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(i)(2), as it related to the transfer of licenses.

The requirement that a hearing on an application “occur” is added for clarity.

The requirement that “a hearing on an application for a new license under §§ 26–1511 through 26–1513 of this title” is substituted for the former narrower requirement that an application “must be submitted not less than 60 days prior to the date set for ... a transfer” for clarity.

Defined term: “License” § 1–101

**26–1706. FEE.**

**THE FEE FOR A TRANSFER OF A LICENSE IS \$500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(r)(3).

The former reference to an “assignment” is deleted as included in the reference to a “transfer”.

Defined term: “License” § 1–101

**26–1707. TRANSFER FOR ESTABLISHMENT WITH COMMERCIAL FUEL PUMP PROHIBITED.**

**THE BOARD MAY NOT TRANSFER A LICENSE TO AN ESTABLISHMENT WITH A COMMERCIAL FUEL PUMP ON A PREMISES THAT THE PUBLIC USES TO PURCHASE FUEL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(r)(5).

The former reference to “any class” of license is deleted as surplusage.

The former reference to a “business” establishment is deleted as surplusage.

The former reference to the “general” public is deleted as surplusage.

Defined terms: “Board” § 26–101  
“License” § 1–101

**26–1708. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

**(A) CONDITIONS FOR SUBSTITUTION.**

**FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

- (1) HAS DIED;**
- (2) HAS RETIRED; OR**

**(3) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

**(B) AFFIDAVIT REQUIRED.**

**THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT CONTAINS:**

**(1) THE SUBSTITUTION OF THE OFFICER; AND**

**(2) AN EXPLANATION FOR THE SUBSTITUTION.**

**(C) AMENDMENT OF RECORDS AND ISSUANCE OF CORRECTED LICENSE.**

**ON RECEIPT OF THE AFFIDAVIT, THE BOARD SHALL:**

**(1) AMEND ITS RECORD; AND**

**(2) ISSUE A CORRECTED LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–301(g) and 10–302(f).

In subsection (a) of this section, the former references to an officer who has “been removed from office” are deleted as included in the reference to an officer who “no longer holds an office in the corporation or club”.

In the introductory language of subsection (a) of this section, the reference to “any officer who” is substituted for the former references to “the deleted officer” for clarity.

Also in the introductory language of subsection (a) of this section, the former phrases “during any license year” are deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former phrases “[n]otwithstanding any other provision of this article” are deleted as surplusage.

In subsection (b)(1) of this section, the former references to “officers” are deleted in light of the reference to “officer” and GP § 1–202, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the reference to a “corrected license” is substituted for the former references to a “new license with the corrected names” for brevity.

Former Art. 2B, § 9–217(g), which described the steps to be taken by a license holder to substitute the name of an officer of a corporation or club, is deleted as redundant of this section.

Defined terms: “Beer” § 1–101  
 “Board” § 26–101  
 “Club” § 1–101  
 “License” § 1–101  
 “License holder” § 1–101  
 “Wine” § 1–101

**26–1709. TAX REQUIREMENT.**

**(A) TRANSFER CONDITIONED ON PAYMENT OF TAXES.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF A TRANSFER AND ISSUANCE OF A LICENSE IS SOUGHT, THE BOARD MAY APPROVE THE TRANSFER, BUT CONDITION THE ACTUAL ISSUANCE OF THE LICENSE TO THE TRANSFEREE ON VERIFICATION:**

**(1) OF PAYMENT OF ALL UNDISPUTED TAXES PAYABLE BY THE TRANSFEROR TO THE COMPTROLLER OR THE COUNTY; OR**

**(2) THAT PAYMENT OF THE TAXES DESCRIBED IN ITEM (1) OF THIS SUBSECTION HAS BEEN PROVIDED FOR IN A MANNER SATISFACTORY TO THE GOVERNMENTAL UNIT RESPONSIBLE FOR COLLECTION.**

**(B) LICENSE ISSUED ON BEHALF OF ENTITY.**

**IF THE LICENSE OF THE TRANSFEROR WAS ISSUED ON BEHALF OF A CORPORATION, CLUB, OR OTHER ENTITY, THE VERIFICATION REQUIREMENTS SPECIFIED IN SUBSECTION (A) OF THIS SECTION APPLY TO UNDISPUTED TAXES PAYABLE BY EACH OWNER OR PRINCIPAL OF THE ENTITY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(i–1)(4) and (5).

Defined terms: “Board” § 26–101  
 “Club” § 1–101  
 “Comptroller” § 1–101  
 “County” § 26–101  
 “License” § 1–101



**26-1710. PROHIBITION AGAINST ISSUANCE OF LICENSE NOT APPLICABLE TO TRANSFER.**

**SECTION 26-1515 OF THIS TITLE DOES NOT APPLY TO AN APPLICATION FOR A TRANSFER OF A LICENSE FOR THE SAME PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from the fourth sentence of former Art. 2B, § 10-202(i)(1), as it related to the transfer of a license.

Defined term: "License" § 1-101

**SUBTITLE 18. RENEWAL OF LICENSES.**

**26-1801. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 ("RENEWAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-402 ("ELIGIBILITY FOR RENEWAL; PROCESS");**
- (2) § 4-403 ("RENEWAL APPLICATION");**
- (3) § 4-408 ("ISSUANCE OF RENEWED LICENSES");**
- (4) § 4-409 ("MULTIPLE LICENSES"); AND**
- (5) § 4-410 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE").**

**(B) EXCEPTION.**

**SECTION 4-404 ("FILING PERIOD FOR RENEWAL APPLICATION") OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 26-1802 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 ("RENEWAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

(1) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO § 26-1804 OF THIS SUBTITLE;

(2) § 4-406 (“PROTESTS”), SUBJECT TO § 26-1803 OF THIS SUBTITLE;  
AND

(3) § 4-407 (“DENIAL OF RENEWAL APPLICATION”), SUBJECT TO § 26-1806 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 26-101

“License” § 1-101

#### **26-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

**TO RENEW A LICENSE, A LICENSE HOLDER SHALL FILE A LICENSE RENEWAL APPLICATION WITH THE BOARD IN ACCORDANCE WITH THE FOLLOWING SCHEDULE OF RENEWAL DEADLINES AND LICENSE EXPIRATION DATES:**

(1) FOR A CLASS A LICENSE, WHICH SHALL EXPIRE ON APRIL 30, THE APPLICATION DEADLINE IS MARCH 1;

(2) FOR A CLASS B LICENSE, WHICH SHALL EXPIRE ON MAY 31, THE APPLICATION DEADLINE IS APRIL 1; AND

(3) FOR A CLASS C AND A CLASS D LICENSE, BOTH OF WHICH SHALL EXPIRE ON JUNE 30, THE APPLICATION DEADLINE IS MAY 1.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-302(a)(1) and (2).

The reference requiring a license holder to “file a license renewal application with the Board” to renew a license is added for clarity and to state expressly what formerly was only implied.

The reference to a “schedule” of deadlines and expiration dates is added for clarity.

The former reference to “Class A, B, C, or D” licenses is deleted as unnecessary.

The former redundant reference authorizing a license holder to renew a license “for an additional term” is deleted as unnecessary.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section refers only to licenses but not to the Sunday on-sale permit that a Class B beer, wine, and liquor license holder may obtain.

Defined terms: “Board” § 26–101

“License” § 1–101

“License holder” § 1–101

### **26–1803. PROTESTS.**

#### **(A) FILING DEADLINE.**

**A PROTEST OF A LICENSE RENEWAL SHALL BE FILED WITH THE BOARD ON OR BEFORE MARCH 1.**

#### **(B) FILING BY MUNICIPALITY.**

**A MUNICIPALITY IN WHICH THE LICENSED PREMISES IS LOCATED MAY MAKE A PROTEST OF A LICENSE RENEWAL AFTER HOLDING A PUBLIC HEARING CONCERNING THE PROTEST.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–302(g)(3) and (4)(iii).

In subsection (a) of this section, the reference to a protest “of a license renewal” is added for clarity.

Also in subsection (a) of this section, the reference to license renewal “on or before” March 1 is substituted for the former reference to license renewal “no later than” March 1 for clarity.

Also in subsection (a) of this section, the former reference to the renewal deadline of March 1 “of the year in which the license expires” is deleted as unnecessary because the licenses being renewed are annual licenses.

In subsection (b) of this section, the reference to a licensed “premises” is substituted for the former reference to a licensed “place of business” for consistency with terminology used throughout this article.

Also in subsection (b) of this section, the reference authorizing a municipality to “make” a protest is substituted for the former reference authorizing a protest to “[b]e instituted by” a municipality for clarity and brevity.

Also in subsection (b) of this section, the former reference to a public hearing being held “by that municipality” is deleted as unnecessary.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that former Art. 2B, § 10–302(g)(3) did not give the Board an option to accept a protest that is not timely through imposing a late fee. The Committee is not clear if this was the intent of this section.

Defined terms: “Board” § 26–101

“License” § 1–101

#### **26–1804. EXCEPTION TO REQUIRED CONSENT STATEMENT.**

**A LICENSE HOLDER MAY RENEW THE LICENSE WITHOUT OBTAINING A CONSENT STATEMENT FROM THE OWNER OF THE BUILDING THAT CONTAINS THE LICENSED PREMISES IF:**

**(1) THE LICENSE HOLDER HAS A LEASE ON THE ENTIRE BUILDING FOR AT LEAST THE TERM OF THE RENEWED LICENSE; AND**

**(2) THE BUILDING OWNER HAS PREVIOUSLY FILED A CONSENT STATEMENT WITH THE ORIGINAL OR ANOTHER RENEWAL APPLICATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–302(b)(3)(ii) and, as it related to Prince George’s County, 10–301(f).

In the introductory language of this section, the reference to a “consent statement” is substituted for the former reference under § 10–301(f) to a “certificate of approval” for clarity and consistency within this revision.

Also in the introductory language of this section, the reference to “licensed premises” is substituted for the former reference to “the building in which the business is conducted” for clarity, brevity, and consistency within this revision.

In item (1) of this section, the reference to a lease for “at least” a specified term is substituted for the former references to a lease for “not less than” a specified term for clarity.

In item (2) of this section, the reference to the “building” owner is added for clarity.

Defined terms: “License” § 1–101

“License holder” § 1–101

**26-1805. REQUIRED FULL TERM OF LEASE PROHIBITED.**

**THE BOARD MAY NOT REQUIRE A LICENSE RENEWAL APPLICANT TO HOLD A LEASE ON THE LICENSED PREMISES FOR THE FULL TERM OR ANY PORTION OF THE LICENSE RENEWAL PERIOD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-302(c).

The reference to a "license renewal" applicant is added for clarity.

The reference to "licensed" premises is substituted for the former reference to premises "that contain the licensed business" for clarity and brevity.

Defined terms: "Board" § 26-101  
 "License" § 1-101

**26-1806. APPROVAL OR DENIAL OF RENEWAL — FELONY CONVICTION.****(A) IN GENERAL.**

**THE BOARD MAY APPROVE OR DENY A LICENSE RENEWAL IF THE LICENSE HOLDER OR A STOCKHOLDER OF THE CORPORATION THAT USES THE LICENSE HAS BEEN CONVICTED OF A FELONY.**

**(B) HEARING.****THE BOARD:**

**(1) SHALL HOLD A PUBLIC HEARING BEFORE APPROVING OR DENYING THE LICENSE RENEWAL; AND**

**(2) MAY INQUIRE INTO ALL RELEVANT FACTS AND CIRCUMSTANCES CONCERNING THE FELONY OFFENSE AT THE HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10-302(e) and, as it related to the effect of a felony conviction on license renewals in Prince George's County, § 10-301(c-1).

In subsection (a) of this section, the reference authorizing the Board to "approve or deny" a license renewal is substituted for the former references that renewal "may [or may not] be granted [at the discretion of the Board]" for clarity and brevity.

In subsection (b)(1) of this section, the reference to “approving or denying” a license renewal is added for clarity and consistency within this section.

In subsection (b)(2) of this section, the reference to a “felony” offense is added for clarity.

The second sentence of former Art. 2B, § 10–302(e), which required a public hearing to be held by the Board prior to the revocation, issuance, or transfer of a license, is deleted as redundant of other provisions in this article. *See* the requirement for a public hearing to be held before a license revocation at § 4–603 of this article, before the issuance of a license at § 4–209 of this article, and before a transfer of a license at § 26–1705 of this title.

The third sentence of former Art. 2B, § 10–302(e), which provided that the relevant fact and circumstances of the offense may be inquired into at the hearing, is deleted as an unnecessary statement of common practice.

Defined terms: “Board” § 26–101

“License” § 1–101

“License holder” § 1–101

## **26–1807. PAYMENT OF TAXES.**

### **(A) IN GENERAL.**

#### **BEFORE A LICENSE MAY BE RENEWED, THE BOARD SHALL VERIFY:**

**(1) (I) THROUGH THE COMPTROLLER, THAT THE LICENSE HOLDER HAS PAID ALL UNDISPUTED TAXES PAYABLE TO THE COMPTROLLER; AND**

**(II) THROUGH THE COUNTY, THAT THE LICENSE HOLDER HAS PAID ALL UNDISPUTED TAXES PAYABLE TO THE COUNTY; OR**

**(2) THAT THE LICENSE HOLDER HAS PROVIDED FOR PAYMENT OF THE TAXES DESCRIBED IN ITEM (1) OF THIS SUBSECTION IN A MANNER SATISFACTORY TO THE GOVERNMENTAL UNIT RESPONSIBLE FOR THE COLLECTION.**

**(B) RENEWAL PROHIBITED IF PAYMENT VERIFICATION REQUIREMENT NOT MET.**

**IF THE INFORMATION PROVIDED TO THE BOARD STATES THAT THE LICENSE HOLDER OWES UNDISPUTED TAXES AND HAS NOT PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE GOVERNMENTAL UNIT RESPONSIBLE FOR COLLECTION, THE BOARD MAY NOT RENEW THE LICENSE.**

**(C) PAYMENT VERIFICATION REQUIREMENTS APPLY TO EACH OWNER OR PRINCIPAL OF LICENSED ENTITY.**

**IF THE LICENSE WAS ISSUED ON BEHALF OF A CORPORATION, CLUB, OR OTHER ENTITY, THE RENEWAL REQUIREMENTS IN SUBSECTION (A) OF THIS SECTION APPLY TO UNDISPUTED TAXES PAYABLE BY EACH OWNER OR PRINCIPAL OF THE ENTITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(f-1)(2) through (4).

In subsections (a) and (b) of this section, the former references to a "current" license holder are deleted as surplusage.

Former Art. 2B, § 10-301(f-1)(1), which stated that former Art. 2B, § 10-301(f-1) applied only in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 26-101

"Club" § 1-101

"Comptroller" § 1-101

"County" § 26-101

"License" § 1-101

"License holder" § 1-101

**26-1808. RESIDENCY REQUIREMENTS.**

**THE RESIDENCY REQUIREMENTS UNDER § 26-1406(C) OF THIS TITLE APPLY TO A RENEWAL OF A LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(j), as it related to the renewal of a license.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the residency requirements referred to in this section may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined term: "License" § 1-101

**26-1809. RENEWAL OF LICENSE OF CHAIN STORES, SUPERMARKETS, OR DISCOUNT HOUSES.**

**NOTWITHSTANDING § 26-1509 OF THIS TITLE, THE HOLDER OF A LICENSE THAT HAS AN OFF-SALE PRIVILEGE MAY RENEW THE LICENSE IF THE HOLDER OF THE LICENSE IS:**

**(1) AN ESTABLISHMENT COMMONLY KNOWN AS A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE; OR**

**(2) A FRANCHISOR, FRANCHISEE, OR CONCESSIONAIRE OF THE ESTABLISHMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 9-217(h)(1).

In item (1) of this section, the former reference to a "business" establishment is deleted as surplusage.

Defined terms: "License" § 1-101  
"Off-sale" § 1-101

**26-1810. PROHIBITION AGAINST ISSUANCE OF LICENSE NOT APPLICABLE TO RENEWAL.**

**SECTION 26-1515 OF THIS TITLE DOES NOT APPLY TO AN APPLICATION FOR A LICENSE RENEWAL FOR THE SAME PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from the fourth sentence of former Art. 2B, § 10-202(i)(1), as it related to the renewal of a license.

Defined term: "License" § 1-101

**GENERAL REVISOR'S NOTE TO SUBTITLE**

Former Art. 2B, § 10-301(a-1), which cross-referenced the requirements and procedures for the renewal of alcoholic beverages licenses in Prince George's County, is deleted as unnecessary because under this revision the revised Title 23, Subtitle 18 governs the renewal of these licenses in Prince George's County.

Former Art. 2B, § 10-302(a)(3), which required a written application, under oath, and payment of the annual fee, is deleted as included under § 4-402 of this revised article.



Former Art. 2B, § 10–302(b)(1), which required a statement in a renewal application that the underlying facts are unchanged, is deleted as included under § 4–405(a) of this revised article.

Former Art. 2B, § 10–302(b)(2) and (3)(i), which required a consent statement from the owner of the licensed premises to be included in a license renewal application, is deleted as included under § 4–405(b) of this revised article.

Former Art. 2B, § 10–302(d), which related to applicants for license renewal that do not qualify for renewal, is deleted as included under § 4–407 of this revised article.

Former Art. 2B, § 10–302(g)(1), (2), (4)(i) and (ii), and (5), which related to protests of license renewals, are deleted as included under § 4–406 of this revised article.

Former Art. 2B, § 10–302(g)(6), which related to residency requirements for the 1985–1986 license renewal period, is deleted as obsolete.

This revision: (1) reestablishes the application of the statewide provisions of law governing alcoholic beverages license renewal under former Art. 2B, § 19–301 to Prince George’s County; (2) repeals provisions of former Art. 2B, § 10–302, which section governed alcoholic beverages license renewal in Prince George’s County, that are identical to the corresponding statewide provisions; and (3) retains and revises provisions of former Art. 2B, § 10–302 that differ from the statewide provisions. No substantive change is made.

Former Art. 2B, § 10–301(a)(1)(ii)<sup>4</sup> states that “on the filing of the renewal application ..., the holder of the expiring license is entitled to a new license for another year without the filing of further statements or the furnishing of any further information unless specifically requested by the official authorized to approve the license”. This provision of law is the only provision under the statewide law governing the renewal of local licenses that did not: (1) apply in Prince George’s County; (2) have a corresponding provision that applied the same requirements to Prince George’s County under former Art. 2B, § 10–302; or (3) have a corresponding alternative requirement under former Art. 2B, § 10–302 that is revised under this subtitle. The authority of the Board to issue licenses, however, is permissive (*see* former Art. 2B, § 15–112(a) of the Code), and presumably it may withhold approval of a license renewal if, in its discretion, it needs to review more statements or information. Furthermore, this “entitlement” to a renewed license is not absolute, as the source law allows the Board, among others, to file a protest against a license renewal. The Board may presumably ask for additional statements or information in resolving a protest and before renewing the underlying license. Thus, under the source law the Board implicitly has the authority to request further statements or information before approving a license renewal. As a result, explicitly applying former Art. 2B, § 10–301(a)(1)(ii)<sup>4</sup> to Prince George’s County is not a substantive change.

## SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.

**26-1901. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE LICENSED PREMISES”);**
- (3) § 4-505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4-508 (“DISPLAY OF LICENSE”).**

**(B) VARIATION.**

**SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26-1902 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 26-101

“License” § 1-101

“License holder” § 1-101

**26-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY NOT BE EMPLOYED TO SELL, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(b)(10).

The reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

Defined term: “Alcoholic beverage” § 1–101

### **26–1903. LIMITATION ON COVER CHARGES AND USE OF PREMISES.**

**A LICENSE HOLDER MAY NOT IMPOSE A COVER CHARGE, OFFER FACILITIES FOR PATRON DANCING, OR PROVIDE ENTERTAINMENT UNLESS THE LICENSE HOLDER:**

- (1) IS AUTHORIZED TO DO SO UNDER THIS ARTICLE; AND**
- (2) MEETS ALL REQUIREMENTS OF COUNTY LAW.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(n).

In the introductory language of this section, the former reference to a license “issued by the Board” is deleted as unnecessary in light of the defined term “license”.

In item (1) of this section, the reference to being authorized “to do so” is added for clarity.

Also in item (1) of this section, the former reference to being “specifically” authorized is deleted as surplusage.

Defined terms: “County” § 26–101  
 “License holder” § 1–101

### **26–1904. BOWLING ALLEYS.**

**AN INDIVIDUAL REGARDLESS OF AGE MAY ENTER OR REMAIN ON A LICENSED PREMISES IF A BOWLING ALLEY IS ON THE LICENSED PREMISES AND IN USE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–217(a)(5).

The reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

The former phrase “[n]otwithstanding any other provisions of this section” is deleted as unnecessary in light of the organization of this revised article.

The former reference to “any portion of” the licensed premises is deleted as surplusage.

The former reference to a “bona fide” bowling alley is deleted as surplusage.

#### **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

##### **26–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

###### **(A) IN GENERAL.**

**UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

###### **(B) PROHIBITION AGAINST ALLOWING CONSUMPTION.**

**AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE OR A HOLDER OF AN ON-SALE LICENSE MAY NOT ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED ON THE PREMISES LICENSED UNDER THIS TITLE:**

**(1) FROM 2 A.M. TO 6 A.M.; OR**

**(2) IF THE HOLDER MAY SELL ALCOHOLIC BEVERAGES UNDER § 26–2005 OF THIS SUBTITLE, FROM 3 A.M. TO 6 A.M.**

###### **(C) PENALTY.**

**(1) AN INDIVIDUAL FOUND CONSUMING ALCOHOLIC BEVERAGES ON THE PREMISES OR IN A PLACE DURING THE HOURS PROHIBITED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

**(2) AN OWNER, A MANAGER, OR AN EMPLOYEE OF A PREMISES OR PLACE WHO KNOWINGLY ALLOWS CONSUMPTION DURING THE HOURS PROHIBITED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Prince George’s County, (2) and § 11–517(d) and, as it related to restricting hours of consumption, (b)(1)(i).

In subsection (a) of this section, the phrase “[u]nless otherwise provided in this title” is added for clarity.

Also in subsection (a) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (c)(1) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (c)(1) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

In subsection (c)(2) of this section, the former references to “operator”, “waiter”, and “server” are deleted in light of the reference to “employee”.

Also in subsection (c)(2) of this section, the reference to “a fine not exceeding \$1,000 or imprisonment not exceeding 2 years or both” is substituted for the former reference to “the penalties provided in § 16–503 of this article” for clarity.

Defined terms: “Alcoholic beverage” § 1–101  
“License” § 1–101

## **26–2002. BEER LICENSES.**

### **(A) CLASS A BEER LICENSE.**

**(1) A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

**(2) A LICENSE HOLDER THAT OFFERS FOR SALE COMMODITIES THAT ARE NOT ALCOHOLIC BEVERAGES AND IS OPEN ON SUNDAY SHALL KEEP ALL ALCOHOLIC BEVERAGES ON THE PREMISES THAT ARE STORED IN AREAS OPEN TO**

THE PUBLIC IN A SEPARATE BEVERAGE DEPARTMENT THAT IS SECURELY CLOSED AND LOCKED FROM MIDNIGHT ON SUNDAY TO 6 A.M. ON MONDAY.

**(B) CLASS B BEER LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

**(I) FOR ON-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER FOR ON-PREMISES CONSUMPTION:**

**(I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, FROM 2 A.M. TO 6 A.M.; AND**

**(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(C) CLASS C BEER LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(D) CLASS D BEER LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:**

**(I) FOR ON-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER FOR ON-PREMISES CONSUMPTION FROM 2 A.M. TO 6 A.M.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-301(a)(5), (b)(3), (c)(4), and (d)(5), 11-403(a)(1)(ii), and 11-517(e) and (b)(1) and, as they applied to beer licenses, §§ 11-403(a)(7) and 11-517(b)(2)(i).

In subsection (a) of this section and throughout this subtitle, former references to "the hours" of sale for alcoholic beverages are deleted as surplusage.

In subsection (a) of this section, the former phrase "subject to regulations of the Board of License Commissioners not inconsistent with the provisions hereof" is deleted as surplusage.

In subsection (a)(1) of this section and throughout this subtitle, former references to Class A license privileges being exercised until "2 a.m." are deleted in light of the authority to sell beer only until midnight.

Also in subsection (a)(1) of this section and throughout this section, the former references to "any agent, servant or employee of the holder" are deleted as implicit in the reference to a holder of a license.

In subsection (a)(1) of this section, the reference to the authorization to sell beer from "6 a.m. to midnight" is substituted for the former prohibition against selling beer "between the hours of 12:00 a.m. and 6:00 a.m." to conform to the style used throughout this article.

In subsection (a)(2) of this section and throughout this subtitle, the former references to alcoholic beverages being securely locked in a "compartment ... or enclosure" are deleted as unnecessary due to the comprehensive reference to being kept in a "separate beverage department that is securely closed and locked".

Also in subsection (a)(2) of this section and throughout this subtitle, the former phrase "[t]he provisions of this subsection do not apply to alcoholic beverages in storage areas which are not open to the public" is deleted in light of the reference to alcoholic beverages that are stored in areas open to the public.

In subsections (b)(2) and (c)(2) of this section, the former references to a "retail dealer" are deleted in light of the references to a "license holder".

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"License" § 1-101

“License holder” § 1–101

**26–2003. BEER AND LIGHT WINE LICENSES.**

**(A) CLASS A BEER AND LIGHT WINE LICENSE.**

**(1) A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

**(2) A LICENSE HOLDER THAT OFFERS FOR SALE COMMODITIES THAT ARE NOT ALCOHOLIC BEVERAGES AND IS OPEN ON SUNDAY SHALL KEEP ALL ALCOHOLIC BEVERAGES ON THE PREMISES THAT ARE STORED IN AREAS OPEN TO THE PUBLIC IN A SEPARATE BEVERAGE DEPARTMENT THAT IS SECURELY CLOSED AND LOCKED FROM MIDNIGHT ON SUNDAY TO 6 A.M. ON MONDAY.**

**(B) CLASS B BEER AND LIGHT WINE LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(I) FOR ON–PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR OFF–PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE FOR ON–PREMISES CONSUMPTION:**

**(I) EXCEPT AS PROVIDED IN § 26–2005 OF THIS SUBTITLE, FROM 2 A.M. TO 6 A.M.; OR**

**(II) AT A BAR OR COUNTER ON SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS C BEER AND LIGHT WINE LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE:**



(I) FROM 2 A.M. TO 6 A.M.; OR

(II) AT A BAR OR COUNTER ON SUNDAY, FROM 5 P.M. TO 1:30 A.M. THE FOLLOWING DAY.

(D) CLASS D BEER AND LIGHT WINE LICENSE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:

(I) FOR ON-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT.

(2) THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE FROM 2 A.M. TO 6 A.M.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-302(a)(6), (b)(5), (c)(6), (d)(6), 11-403(a)(1)(ii), and 11-517(e) and (b)(1)(i) and, as it applied to beer and light wine licenses, (2)(i).

Throughout this section provisions are rewritten to state the hours and days when beer and light wine may be sold, rather than when they may not be sold, to conform to the style used throughout this article. Thus, in subsection (a)(1) of this section, for example, the statement that beer and light wine may be sold on Monday through Saturday, from 6 a.m. to midnight is substituted for the former language stating that alcoholic beverages may not be sold "between the hours of 12:00 a.m. and 6:00 a.m."

In subsection (a)(2) of this section, the former phrase "subject to the regulations of the Board of License Commissioners that are not inconsistent with the provisions hereof" is deleted as surplusage.

In subsections (b) through (d) of this section, the former references to "serve" are deleted as included in the references to "sell".

In subsection (c)(2) of this section, the former reference to a "retail dealer" is deleted in light of the defined term "license holder".

In subsection (d)(1)(i) of this section, the phrase “for on–premises consumption” is added to differentiate between authorized hours of on–sale and off–sale for Class D beer and light wine licenses.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“License holder” § 1–101

## **26–2004. BEER, WINE, AND LIQUOR LICENSES.**

### **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR (OFF–SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

**(2) A LICENSE HOLDER THAT OFFERS FOR SALE COMMODITIES THAT ARE NOT ALCOHOLIC BEVERAGES AND IS OPEN ON SUNDAY SHALL KEEP ALL ALCOHOLIC BEVERAGES ON THE PREMISES THAT ARE STORED IN AREAS OPEN TO THE PUBLIC IN A SEPARATE BEVERAGE DEPARTMENT THAT IS SECURELY CLOSED AND LOCKED BETWEEN MIDNIGHT ON SUNDAY AND 6 A.M. ON MONDAY.**

### **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) EXCEPT AS PROVIDED IN § 26–2005 OF THIS SUBTITLE, FOR ON–PREMISES CONSUMPTION, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(II) IF ISSUED A SUNDAY ON–SALE PERMIT UNDER § 26–1105 OF THIS TITLE, FROM NOON ON SUNDAY TO 2 A.M. THE FOLLOWING DAY; AND**

**(III) FOR OFF–PREMISES CONSUMPTION, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

**(2) FOR OFF–PREMISES CONSUMPTION ON SUNDAY, THE LICENSE HOLDER:**

**(I) IF ISSUED A SUNDAY OFF–SALE PERMIT UNDER § 26–1104 OF THIS TITLE, MAY SELL ALCOHOLIC BEVERAGES THAT THE HOLDER IS LICENSED TO SELL FROM 8 A.M. TO MIDNIGHT;**

(II) MAY SELL BEER AND LIGHT WINE FROM 8 A.M. TO MIDNIGHT AT AN OFF-SALE STORE THAT IS ATTACHED TO AND PART OF THE LICENSED PREMISES; BUT

(III) MAY NOT SELL BEER, WINE, OR LIQUOR AT A SEPARATE OFF-SALE STORE ESTABLISHED ON THE PREMISES.

(3) THE BOARD SHALL ADOPT REASONABLE STANDARDS TO DEFINE THE TERM "OFF-SALE STORE" FOR THE PURPOSES OF PARAGRAPH (2) OF THIS SUBSECTION.

(C) CLASS B-AE (ARTS AND ENTERTAINMENT) BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS B-AE (ARTS AND ENTERTAINMENT) LICENSE MAY NOT SELL BEER, WINE, OR LIQUOR:

(I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, FOR ON-PREMISES CONSUMPTION;

(II) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, FROM 2 A.M. TO 6 A.M.; AND

(III) AT A BAR OR COUNTER ON SUNDAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.

(2) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING REGULATIONS SPECIFYING HOURS AND DAYS OF SALE.

(D) CLASS B-DD (DEVELOPMENT DISTRICT) 7-DAY BEER, WINE, AND LIQUOR LICENSE.

(1) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, A HOLDER OF A CLASS B-DD (DEVELOPMENT DISTRICT) 7-DAY BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.

(E) CLASS BH LICENSE.

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS BH LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR:**

**(I) EXCEPT AS PROVIDED IN § 26–2005 OF THIS SUBTITLE, FROM 2 A.M. TO 6 A.M.; OR**

**(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(F) CLASS BLX LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE HOLDER OF A CLASS BLX LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) A LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR FOR ON-PREMISES CONSUMPTION:**

**(I) EXCEPT AS PROVIDED IN § 26–2005 OF THIS SUBTITLE, FROM 2 A.M. TO 6 A.M.; OR**

**(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(G) CLASS B–MB/22 LICENSE.**

**A HOLDER OF A CLASS B–MB/22 LICENSE MAY SELL BEER, WINE, AND LIQUOR FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(H) CLASS B–RD (REVITALIZATION DISTRICT) LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B–RD (REVITALIZATION DISTRICT) LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR FOR ON-PREMISES CONSUMPTION:**

**(I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, FROM 2 A.M. TO 6 A.M.; OR**

**(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(I) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(J) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**RESERVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-208(f)(1)(i), 6-201(r)(4)(i) and (iv), (5)(i) and (iii)2, (6)(i), (15)(i), and (18)(i) and (vi), 8-1001(c) and (g), 11-303(a)(1), (b)(1), and (c)(1), 11-403(a)(1)(ii), and 11-517(b)(1)(i) and (ii), (e), and (f) and, as they related to beer, wine, and liquor licenses, §§ 11-403(a)(7) and 11-517(b)(2)(i).

Throughout this section, references to “may sell beer, wine, and liquor” are substituted for the former references to “privileges conferred by a ... license may be exercised” for brevity.

In subsection (b) of this section, the former sentence “[n]othing further herein shall be construed to permit sales at any time between 12:00 a.m. and 6:00 a.m. of any day” is deleted as unnecessary.

In subsection (b)(2) of this section, the former reference to midnight “the day following” is deleted as surplusage.

In the introductory language of subsection (c) of this section, the former reference to a “retail dealer” is deleted in light of the defined term “license holder”.

In subsection (h) of this section, the hours of sale are stated explicitly in substitution of the former reference to hours and days of sale that are “provided in § 11–517 of this article” for clarity.

Former Art. 2B, § 11–517(a), which provided that former Art. 2B, § 11–517 applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11–517(g)(2), which prohibited “a special Class C (fraternal/sororal) license pursuant to § 6–301(r)(3)” from selling, serving, or permitting alcoholic beverages to be consumed on the licensed premises on Sunday before noon or after 2 a.m. the following day, is deleted as obsolete, as former Art. 2B, § 6–301(r)(3) and (4) provided that the restrictions on Sunday sales provided for in former § 11–517 do not apply to Class C fraternal/sororal licenses. Former Art. 2B, § 11–517(g)(3), which applied a similar obsolete prohibition to special Class C (yacht) licenses, is also deleted as obsolete.

Defined terms: “Beer” § 1–101  
“Board” § 26–101  
“License holder” § 1–101  
“Wine” § 1–101

#### **26–2005. LIVE ENTERTAINMENT OFFERED BY CLASS B LICENSE HOLDER.**

**IF THE HOLDER OF A CLASS B ON–SALE LICENSE HAS LIVE ENTERTAINMENT ON THE LICENSED PREMISES ON FRIDAY OR SATURDAY NIGHT, THE LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES FOR ON–PREMISES CONSUMPTION IN ACCORDANCE WITH THE LICENSE ON FRIDAY OR SATURDAY FROM 6 A.M. TO 3 A.M. THE FOLLOWING DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–517(c).

The former phrase “[n]otwithstanding any other provisions of this article” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
“License” § 1–101  
“License holder” § 1–101

#### **26–2006. HOURS FOR DECEMBER 24, DECEMBER 31, AND JANUARY 1.**

**(A) HOURS FOR HOLDERS OF CLASS A BEER, WINE, AND LIQUOR LICENSE WHEN DECEMBER 24 OR 31 FALLS ON SUNDAY.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT SELL BEER, WINE, OR LIQUOR ON SUNDAY UNLESS:**

**(1) THE SUNDAY IS DECEMBER 24 OR DECEMBER 31; OR**

**(2) THE HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE HOLDS A SUNDAY OFF-SALE PERMIT UNDER § 26-1104 OF THIS TITLE.**

**(B) HOURS FOR HOLDERS OF CLASS B RESTAURANT LICENSE WHEN DECEMBER 24 OR DECEMBER 31 FALLS ON SUNDAY.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B RESTAURANT LICENSE WITH OR WITHOUT A SUNDAY PERMIT THAT ALLOWS THE HOLDER TO SELL LIQUOR BY THE GLASS FOR ON-PREMISES CONSUMPTION MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY IF THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(2) A HOLDER OF A CLASS B RESTAURANT LICENSE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION MAY NOT SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION MONDAY THROUGH SUNDAY FROM MIDNIGHT TO 8 A.M.**

**(C) CLOSING HOURS FOR LICENSE HOLDERS ON JANUARY 1.**

**A HOLDER OF A LICENSE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION MAY SELL THE ALCOHOLIC BEVERAGES THAT THE LICENSE ALLOWS UNTIL 2 A.M. ON JANUARY 1.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-402(r)(2) and 11-517(b)(1)(iii) and, except as it related to a Class D license, (2).

In subsection (b) of this section, the reference to a holder of a Class B "restaurant license that allows the sale of alcoholic beverages for off-premises consumption" is substituted for the former reference to a Class B "alcoholic beverages license with off-sale privileges" to conform to terminology used throughout this article.

In subsection (c) of this section, the phrase "[a] holder of a license that allows the sale of alcoholic beverages for on-premises consumption may sell the alcoholic beverages that the license allows" is substituted for the former phrases "[t]his article may not be construed to require any holder of an on-sale license to close the licensed premises ... A licensee may sell any

alcoholic beverages authorized by the license ...” for clarity and to conform to the style of this revised article.

Also in subsection (c) of this section, the former references to January 1 “of any year” are deleted as surplusage.

Former Art. 2B, § 11–402(r)(1), which stated that former Art. 2B, § 11–401(r) applied only in Prince George’s County, is deleted as unnecessary in light of the reorganization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
“Restaurant” § 1–101

## **26–2007. CHANGING AND REDUCING HOURS OF SALE IN THE 24TH AND 25TH ALCOHOLIC BEVERAGES DISTRICTS.**

### **(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES IN THE 24TH AND 25TH ALCOHOLIC BEVERAGES DISTRICTS OF THE COUNTY AS DESCRIBED IN § 26–1603(F) AND (G) OF THIS TITLE.**

### **(B) BOARD MAY CHANGE HOURS OF SALE.**

**THE BOARD MAY CHANGE THE CLOSING HOUR AND REDUCE THE HOURS OF SALE OF A LICENSE HOLDER IF THE BOARD:**

**(1) RECEIVES A COMPLAINT CONCERNING THE LICENSED PREMISES;**  
**AND**

**(2) MAKES THE CHANGE AFTER HOLDING A HEARING ON THE COMPLAINT.**

### **(C) JUDICIAL REVIEW.**

**UNDER SUBTITLE 24 OF THIS TITLE, A PARTY MAY SEEK JUDICIAL REVIEW OF A DECISION OF THE BOARD MADE UNDER THIS SECTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–517(i) and (j).

In subsection (b) of this section, the former reference to “under any class of alcoholic beverages license” is deleted as surplusage.

In subsection (c) of this section, the reference to seeking a “judicial review” of a decision of the Board is substituted for the former reference to allowing a



decision of the Board to be “appealed” to conform to the terminology used throughout this article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“County” § 26–101

“License holder” § 1–101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **26–2101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”);**
- (3) § 4–605 (“NUDITY AND SEXUAL DISPLAYS”); AND**
- (4) § 4–606 (“EFFECTS OF REVOCATION”).**

#### **(B) VARIATION.**

**SECTION 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26–2102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10–405(a)(13), which stated that former Art. 2B, § 10–405, which related to nudity and sexual displays, applied in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 26–101

“License” § 1–101

“Local licensing board” § 1–101

### **26–2102. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.**

**(A) “CONVICTION” DEFINED.**

**IN THIS SECTION, “CONVICTION” INCLUDES:**

**(1) A VERDICT OR PLEA OF GUILTY;**

**(2) THE FORFEITURE OF A BOND OR COLLATERAL ACCEPTED ON A PENDING CHARGE, WARRANT, OR INDICTMENT BEFORE A COURT; OR**

**(3) THE REVOCATION OR SUSPENSION OF A LICENSE BY THE BOARD BECAUSE OF A VIOLATION OF THIS ARTICLE OR REGULATIONS ADOPTED UNDER THIS ARTICLE.**

**(B) GROUNDS FOR REVOCATION.**

**(1) THE BOARD MAY REVOKE A LICENSE IF:**

**(I) WITHIN 2 YEARS A LICENSE HOLDER IS CONVICTED TWICE FOR A VIOLATION CONCERNING AN ILLEGAL SALE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES ON SUNDAY; OR**

**(II) WITHIN 2 YEARS THERE ARE TWO CONVICTIONS OF THE SAME AGENT OR EMPLOYEE OF A LICENSE HOLDER FOR A VIOLATION CONCERNING ILLEGAL SALES OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES ON SUNDAY.**

**(2) THE BOARD MAY REVOKE A LICENSE FOR:**

**(I) A FELONY CONVICTION OF A LICENSE HOLDER OR A STOCKHOLDER OF A CORPORATION HAVING THE USE OF A LICENSE; OR**

**(II) FAILURE TO COMPLY WITH § 26-1613(C) OF THIS TITLE.**

**(3) THE BOARD MAY:**

**(I) ALLOW A CLOSING OF THE LICENSED PREMISES FOR A REASONABLE PERIOD OF TIME; BUT**

**(II) REVOKE THE LICENSE FOR THE CLOSING OF THE LICENSED PREMISES FOR MORE THAN 30 DAYS WITHOUT THE APPROVAL OF THE BOARD.**

**(C) GROUNDS FOR SUSPENSION.**

**THE BOARD MAY SUSPEND A LICENSE FOR AT LEAST 30 DAYS FOR:**

**(1) A CONVICTION OF THE LICENSE HOLDER FOR A VIOLATION CONCERNING AN ILLEGAL SALE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES ON SUNDAY; OR**

**(2) TWO OR MORE CONVICTIONS OF DIFFERENT AGENTS OR EMPLOYEES OF A LICENSE HOLDER FOR A VIOLATION CONCERNING AN ILLEGAL SALE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES ON SUNDAY.**

**(D) GROUNDS FOR REVOCATION OR SUSPENSION.**

**(1) IF A LICENSE HOLDER HAS NOT COMPLIED WITH THE RESIDENCY REQUIREMENTS SPECIFIED IN § 4-103, § 4-104, OR § 4-105 OF THIS ARTICLE OR SUBTITLE 14 OF THIS TITLE, THE BOARD MAY REVOKE OR SUSPEND THE LICENSE.**

**(2) THE BOARD MAY REVOKE OR SUSPEND A LICENSE:**

**(I) FOR A CONVICTION OF THE LICENSE HOLDER FOR A VIOLATION OF ANY STATE LAW CONCERNING GAMBLING IN OR ON THE LICENSED PREMISES; OR**

**(II) IF, WITHIN 2 YEARS, THERE ARE TWO CONVICTIONS OF ONE OR MORE OF THE AGENTS OR EMPLOYEES OF A LICENSE HOLDER FOR VIOLATIONS CONCERNING GAMBLING IN OR ON THE LICENSED PREMISES.**

**(3) THE BOARD MAY REVOKE OR SUSPEND A LICENSE THAT HAS BEEN ISSUED OR TRANSFERRED IF THE LICENSE HAS NOT BEEN PLACED IN OPERATION AFTER 6 MONTHS FOLLOWING THE ISSUANCE OR TRANSFER.**

**(E) GROUND FOR REVOCATION, SUSPENSION, OR REFUSAL TO RENEW.**

**THE BOARD MAY REVOKE, SUSPEND, OR REFUSE TO RENEW A LICENSE, OR REFUSE TO ISSUE A LICENSE TO AN APPLICANT, IF THE LICENSE HOLDER OR APPLICANT WILLFULLY FAILED OR REFUSED TO PAY HOTEL/MOTEL TAXES DUE TO THE COUNTY WITHIN 60 DAYS AFTER THE LICENSE HOLDER OR APPLICANT RECEIVED THE FIRST NOTICE OF DELINQUENCY.**

**(F) VIOLATIONS AGAINST SAME LICENSE HOLDER, AGENT, OR EMPLOYEE.**

**TWO OR MORE VIOLATIONS AGAINST THE SAME LICENSE HOLDER, AGENT, OR EMPLOYEE OR AFFECTING THE SAME PREMISES OCCURRING ON THE SAME DAY ARE CONSIDERED ONE OFFENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–401(g)(2) through (7).

In subsections (b)(1)(ii), (c)(2), and (d)(2)(ii) of this section, the former references to a “servant” and “servants” are deleted as included in the references to an “employee” and “employees”. Similarly in subsections (c)(2) and (d)(2)(ii) of this section, the former references to “clerks” are deleted.

In subsection (c) of this section, the former phrase “[n]otwithstanding any other provisions of this article, but in addition to them” is deleted as unnecessary in light of the organization of this revised article.

In subsection (d)(1) of this section, the reference to a “license holder” is substituted for the former reference to a “sole proprietorship, partnership, corporation, club, or association” for brevity.

In subsection (d)(2) of this section, the former references to “gaming” are deleted as included in the references to “gambling”.

In subsection (e) of this section, the former reference to taxes due “and owed” is deleted as surplusage.

In subsection (f) of this section, the former phrase “[f]or the purpose of this subsection” is deleted as surplusage.

Also in subsection (f) of this section, the former statement that “[t]he provisions of this subsection are applicable only to violations and offenses occurring after June 1, 1957” is deleted as obsolete.

Former Art. 2B, § 10–401(g)(1), which stated that former Art. 2B, § 10–401(g) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“County” § 26–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

**SUBTITLE 22. EXPIRATION OF LICENSES.**

**26-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 26-101  
 “License” § 1-101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.****26-2301. APPLICATION OF GENERAL PROVISIONS.**

(A) **WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

(1) § 4-802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);

(2) § 4-804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);

(3) § 4-805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND

(4) § 4-806 (“REFUND”).

(B) **VARIATION.**

**SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26-2302 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 26-101  
 “License” § 1-101  
 “License holder” § 1-101

**26-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.**

**(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.**

**(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:**

**(I) THE SURVIVING SPOUSE;**

**(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR**

**(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

**(2) THE NEW LICENSE SHALL BE ISSUED:**

**(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

**(II) WITHOUT FURTHER PROCEEDINGS.**

**(B) RENEWAL LICENSE.**

**A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:**

**(1) THE SURVIVING SPOUSE;**

**(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

**(3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(b)(7).

In the introductory language of subsection (a)(1) of this section, the former phrase "[n]otwithstanding any provisions to the contrary in this article" is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 26–101

“License” § 1–101

“License holder” § 1–101

## **SUBTITLE 24. JUDICIAL REVIEW.**

### **26–2401. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–902 (“JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING BOARD”);**

**(2) § 4–904 (“STAY OF LOCAL BOARD’S PETITION”);**

**(3) § 4–905 (“SCOPE OF JUDICIAL REVIEW”);**

(4) § 4-906 (“REPRESENTATION OF LOCAL LICENSING BOARD”); AND

(5) § 4-908 (“APPEALS TO COURT OF SPECIAL APPEALS AND COURT OF APPEALS”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-903 (“PETITIONERS”), SUBJECT TO § 26-2402 OF THIS SUBTITLE; AND

(2) § 4-907 (“AFFIRMATIONS, MODIFICATIONS, AND REVERSALS”), SUBJECT TO § 26-2405 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined terms: “County” § 26-101  
“Local licensing board” § 1-101

**26-2402. GOVERNING BODY OF MUNICIPALITY MAY PETITION FOR JUDICIAL REVIEW.**

**ON PAYMENT OF ALL COSTS INCIDENT TO THE HEARING BEFORE THE BOARD, A GOVERNING BODY OF A MUNICIPALITY WITHIN THE COUNTY IN WHICH A LICENSED PLACE OF BUSINESS IS LOCATED OR PROPOSED TO BE LOCATED MAY PETITION FOR JUDICIAL REVIEW OF A DECISION OF THE BOARD UNDER § 4-902 OF THIS ARTICLE TO THE CIRCUIT COURT FOR THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(b)(4).

The phrase “may petition for judicial review of a decision of the Board” is substituted for the former phrase “may appeal therefrom” for clarity.

Defined terms: “Board” § 26-101  
“County” § 26-101

**26-2403. COSTS.**

(A) CLERK TO COLLECT.



**BEFORE DOCKETING AN ACTION FOR JUDICIAL REVIEW UNDER TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY SHALL:**

**(1) COLLECT ALL COURT COSTS FROM THE PETITIONER; AND**

**(2) RECEIVE A STATEMENT FROM THE CLERK OF THE BOARD THAT THE COSTS FOR GETTING RECORDS AND TRANSCRIPTS OF PROCEEDINGS OF THE HEARING BEFORE THE BOARD HAVE BEEN PAID.**

**(B) NO ASSESSMENT AGAINST BOARD.**

**THE COSTS DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION MAY NOT BE ASSESSED AGAINST THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(d), as it related to Prince George's County.

In subsection (a) of this section, the references to “an action for judicial review” and “the petitioner” are substituted for the former incorrect references to “an appeal” and “the person or persons so appealing” to reflect that this section concerns the judicial review of an administration agency – a board of license commissioners – and not a court.

Defined terms: “Board” § 26–101  
“County” § 26–101

**26–2404. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(4)(ii)10.

The reference to the “circuit court for the County” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 26–101  
“County” § 26–101

**26–2405. ADDITIONAL EVIDENCE.**

**(A) PETITION TO SHOW ADDITIONAL EVIDENCE ALLOWED BEFORE HEARING.**

**BEFORE THE DATE SET FOR A HEARING BEFORE THE CIRCUIT COURT OF A PETITION UNDER TITLE 4, SUBTITLE 9 OF THIS ARTICLE, A PETITIONER OR A PARTY IN INTEREST PROPERLY BEFORE THE COURT MAY PETITION THE COURT IN WRITING FOR LEAVE TO PRESENT ADDITIONAL EVIDENCE ON AN ISSUE FOR WHICH JUDICIAL REVIEW IS SOUGHT.**

**(B) COURT MAY REMAND PROCEEDINGS TO BOARD FOR ADDITIONAL EVIDENCE.**

**IF, AFTER A HEARING, THE COURT IS SATISFIED THAT THE ADDITIONAL EVIDENCE IS MATERIAL AND THAT THERE WERE GOOD REASONS FOR FAILURE TO PRESENT THE EVIDENCE IN THE PROCEEDING BEFORE THE BOARD, THE COURT SHALL REMAND THE CASE TO THE BOARD AND ORDER THAT THE EVIDENCE BE TAKEN BEFORE THE BOARD ON THE CONDITIONS THE COURT CONSIDERS PROPER.**

**(C) BOARD MAY MODIFY OR REVERSE PREVIOUS FINDING OR DECISION.**

**(1) ON REMAND FOR THE TAKING OF ADDITIONAL EVIDENCE, THE BOARD MAY MODIFY OR REVERSE THE PREVIOUS FINDINGS AND DECISION OF THE BOARD BY REASON OF THE ADDITIONAL EVIDENCE.**

**(2) IF THE BOARD MODIFIES OR REVERSES A PREVIOUS FINDING OR DECISION AS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL FILE WITH THE REVIEWING COURT, TO BECOME A PART OF THE RECORD, THE ADDITIONAL EVIDENCE TOGETHER WITH THE MODIFICATION, NEW FINDING, OR NEW DECISION.**

**(D) COURT MAY REVERSE OR MODIFY DECISION OR AGAIN REMAND PROCEEDINGS.**

**ON THE FILING OF A FINDING OR DECISION AFTER REMAND AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION, IF THE COURT DETERMINES THAT THE SUBSTANTIAL RIGHTS OF A PETITIONER MAY HAVE BEEN PREJUDICED, THE COURT MAY REVERSE OR MODIFY THE DECISION OR MODIFIED DECISION OF THE BOARD OR AGAIN REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(1)(ii).

In subsection (a) of this section, the phrase “may petition the court in writing” is substituted for the former phrase “if ... written application by petition to show cause is made to the court” for brevity and clarity.

Also in subsection (a) of this section, the phrase “an issue for which judicial review is sought” is substituted for the former phrase “the issues in the case” for clarity and consistency within the subtitle.

Also in subsection (a) of this section, the former phrase “notwithstanding any other provision of this article, but in addition thereto” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c)(1) of this section, the phrase “[o]n remand for the taking of additional evidence” is substituted for the former phrase “[i]n cases in which the additional evidence is taken before the Board of License Commissioners” for clarity and brevity.

In subsection (d) of this section, the phrase “[o]n the filing of a finding or decision after remand as described in subsection (c) of this section” is added for clarity.

Also in subsection (d) of this section, the word “petitioner” is substituted for the former phrase “any party appealing, whether petitioners for a license or objectors to the issuance of a license or any licensee appealing from the decision of the Board” for brevity.

Also in subsection (d) of this section, the phrase “again remand” is substituted for the former reference to “remand” to make it clear that the subsection authorizes the court to remand additional times if not satisfied with the result of a prior remand.

Defined term: “Board” § 26–101

## **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

### **26–2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

#### **(A) SCOPE OF SECTION.**

#### **THIS SECTION APPLIES TO AN ESTABLISHMENT:**

- (1) FOR WHICH THE BOARD HAS NOT ISSUED A LICENSE;**
- (2) THAT IS SUBJECT TO ANY OTHER LICENSE ISSUED BY THE STATE OR COUNTY; AND**

**(3) THAT IS:**

**(I) A RESTAURANT, HOTEL, CLUB, ROOM, DANCE STUDIO, OR DISCO;**

**(II) A PLACE OF ADULT ENTERTAINMENT THAT ALLOWS ANY FORM OF SEXUAL DISPLAY OR ATTIRE PROHIBITED UNDER § 4-605 OF THIS ARTICLE; OR**

**(III) ANY OTHER PLACE OPEN TO THE PUBLIC.**

**(B) IN GENERAL.**

**A PERSON, INCLUDING AN OWNER OR OPERATOR OF AN ESTABLISHMENT MAY NOT:**

**(1) SERVE, KEEP, OR ALLOW TO BE CONSUMED BY A CUSTOMER, ALCOHOLIC BEVERAGES:**

**(I) FROM SUPPLIES THAT THE CUSTOMER PURCHASED, RESERVED, OR OTHERWISE BROUGHT TO THE ESTABLISHMENT; OR**

**(II) FROM SUPPLIES PURCHASED OR OTHERWISE BROUGHT TO THE ESTABLISHMENT BY THE OWNER OR OPERATOR OF THE ESTABLISHMENT OR AN AGENT OF THE OWNER OR OPERATOR; OR**

**(2) (I) SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE; OR**

**(II) SERVE, KEEP, OR ALLOW TO BE CONSUMED OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS.**

**(C) ENFORCEMENT.**

**(1) THE BOARD OR AN INSPECTOR OF THE BOARD MAY ORDER THAT AN ESTABLISHMENT BE CLOSED IMMEDIATELY IF THE BOARD OR THE INSPECTOR DETERMINES THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.**

**(2) IF AN IMMEDIATE CLOSURE IS ORDERED, THE BOARD OR THE INSPECTOR WHO ORDERED THE CLOSURE SHALL GIVE THE OWNER OR OPERATOR OF THE ESTABLISHMENT:**

(I) WRITTEN NOTICE OF AND THE REASONS FOR THE CLOSURE;  
AND

(II) WRITTEN NOTICE OF A HEARING ON THE CLOSURE AT WHICH THE OWNER OR OPERATOR MAY BE HEARD AND PRESENT EVIDENCE.

(3) THE BOARD SHALL HOLD THE HEARING WITHIN 3 BUSINESS DAYS AFTER THE CLOSURE.

(4) (I) AT THE HEARING, THE BOARD SHALL DETERMINE WHETHER THE THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE CAUSING THE CLOSURE CONTINUES TO EXIST.

(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF THE BOARD DETERMINES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT THE THREAT CONTINUES, THE BOARD MAY:

1. ORDER THE PERMANENT CLOSURE OF THE ESTABLISHMENT; OR

2. IMPOSE CONDITIONS UNDER WHICH THE ESTABLISHMENT MAY REOPEN.

(III) THE BOARD SHALL ORDER THE ESTABLISHMENT TO BE PERMANENTLY CLOSED IF:

1. THE CLOSURE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR WHICH THE HEARING IS BEING HELD IS THE THIRD CLOSURE IN A 2-YEAR PERIOD; AND

2. THE PREVIOUS TWO CLOSURES UNDER PARAGRAPH (1) OF THIS SUBSECTION WERE NOT OVERTURNED BY THE BOARD OR ON JUDICIAL REVIEW.

(5) THE BOARD SHALL ISSUE A DECISION WITHIN 3 BUSINESS DAYS AFTER A HEARING IS HELD UNDER PARAGRAPH (4) OF THIS SUBSECTION.

(6) AN OWNER OR OPERATOR WHO IS AGGRIEVED BY A DECISION OF THE BOARD MAY PETITION FOR JUDICIAL REVIEW TO A CIRCUIT COURT.

(D) FINE IMPOSED BY BOARD.

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$12,500 FOR EACH VIOLATION ON A PERSON WHO THE BOARD FINDS HAS VIOLATED THIS SECTION.**

**(E) PENALTY.**

**IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–108.1(a)(2), (3), and (4), (c), (d), and (e).

Subsection (a) of this section is revised as an enumeration of prohibited activities for an unlicensed establishment, rather than as the definition of “bottle club”, for clarity and brevity. In the former law, a “bottle club” was defined as an unlicensed establishment that conducts certain activities. The former law then prohibited a bottle club from conducting those activities.

In this section, the term “establishment” is substituted for the former defined term “bottle club”. Actions that were formerly included within the former defined term “bottle club” are prohibited under the substantive provisions of this section.

In subsection (b) of this section, the former references to “giv[ing]” or “dispens[ing]” alcoholic beverages are deleted as included in the references to “serv[ing]” alcoholic beverages.

Also in subsection (b) of this section, the former prohibition against an owner or operator of a bottle club from “[evading] the alcoholic beverage license laws in the county, including laws governing the hours of operation” is deleted as an unnecessary statement of normal practice.

In subsection (b)(1) of this section, the references to a “customer” are substituted for the former references to a “patron” to conform to the terminology used throughout this article.

In subsection (b)(1)(ii) of this section, the former reference to alcoholic beverages allowed to be consumed by a patron “paying admission” is deleted as unnecessary because the provision applies to all patrons regardless of whether they pay admission.

Former Art. 2B, § 11–304(r), which prohibited the bringing of alcoholic beverages onto unlicensed premises and consumed or transferred if the unlicensed premises is a place of adult entertainment is deleted as included in subsections (a) and (b) of this section.

Former Art. 2B, § 20–108.1(a)(1), which was the standard introductory provision for a definition subsection, is deleted as unnecessary because there is not a definition subsection in this section.

Former Art. 2B, § 20–108.1(b), which stated that former Art. 2B, § 20–108.1 applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (b) of this section prohibits a person from serving, keeping, or allowing alcoholic beverages to be consumed. However, it does not prohibit a customer from consuming alcoholic beverages in an unlicensed establishment.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“License” § 1–101

“Person” § 1–101

**26–2502. HOURS WHEN CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES:**

**(1) IN AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) IN A PLACE OF PUBLIC ENTERTAINMENT;**

**(3) AT AN ESTABLISHMENT OCCUPIED REGULARLY BY A PRIVATE CLUB OR ORGANIZATION; OR**

**(4) IN A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS ARE SOLD DIRECTLY OR INDIRECTLY.**

**(B) PROHIBITION AGAINST OWNER, MANAGER, OR EMPLOYEE.**

**AN OWNER, A MANAGER, OR AN EMPLOYEE OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**(1) A PERSON WHO VIOLATES SUBSECTION (A)(1) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

**(2) AN OWNER, A MANAGER, OR AN EMPLOYEE OF A PREMISES OR PLACE WHO VIOLATES SUBSECTION (A)(2) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–517(d) and 16–503.

In subsections (a) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c)(1) of this section, the former mandatory minimum fine of “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

In subsection (c)(2) of this section, the former reference to “the House of Correction, or jail” is deleted as obsolete and unnecessary.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

## **SUBTITLE 26. ENFORCEMENT.**

### **26–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

#### **(1) § 6–202 (“INSPECTIONS”);**



(2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);

(3) § 6-204 (“POWER TO SUMMON WITNESSES”);

(4) § 6-205 (“PEACE OFFICERS”);

(5) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);

(6) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);

(7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND

(9) § 6-211 (“FINES AND FORFEITURES”).

(B) EXCEPTION.

**SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 26-2602 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 26-101

“State” § 1-101

**26-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

**THE COUNTY MAY:**

(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS ARTICLE; AND

**(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–103(a)(10).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–320 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 26–101

**26–2603. ISSUANCE OF CITATIONS.**

**AN INSPECTOR WHO INVESTIGATES A LICENSE VIOLATION MAY ISSUE A CIVIL CITATION AS PROVIDED IN § 10–119 OF THE CRIMINAL LAW ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–408, as it related to inspectors in Prince George's County.

The former reference to license violations “under this article” is deleted as surplusage.

Defined term: “License” § 1–101

**26–2604. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

**(A) IN GENERAL.**

**THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

**(B) REFUSAL TO COMPLY WITH SUBPOENA.**

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-410(c)(1)(ix), (2), and (3).

In subsections (a) and (b)(1) of this section, the former references to "papers" are deleted as included in the references to "records" and "record".

In subsection (b)(1) of this section, the phrase "may petition" is substituted for the former phrase "shall report the fact to" for clarity.

Also in subsection (b)(1) of this section, the former phrase "for the county" is deleted as surplusage.

In subsection (b)(2) of this section, the phrase "may proceed" is substituted for the former phrase "shall proceed" for clarity.

Also in subsection (b)(2) of this section, the former phrase "in all respects" is deleted as surplusage.

Defined term: "Board" § 26-101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **26-2701. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 ("PROHIBITED ACTS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6-305 ("PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES");**
- (2) § 6-306 ("DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL");**
- (3) § 6-308 ("ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER");**
- (4) § 6-309 ("ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS");**

- (5) § 6–310 (“PROVIDING FREE FOOD”);
- (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (7) § 6–312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6–320 (“DISORDERLY INTOXICATION”);
- (13) § 6–323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (14) § 6–326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (15) § 6–327 (“TAX EVASION”);
- (16) § 6–328 (“DESTRUCTION OF EVIDENCE”); AND
- (17) § 6–329 (“PERJURY”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- (1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 26–2702 OF THIS SUBTITLE;

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 26-2703 OF THIS SUBTITLE;

(3) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”), SUBJECT TO § 26-2704 OF THIS SUBTITLE;

(4) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”), SUBJECT TO § 26-2705 OF THIS SUBTITLE; AND

(5) § 6-322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO § 26-2706 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 26-101

“License holder” § 1-101

“Retail dealer” § 1-101

**26-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

(A) **SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

(1) **SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

(2) **MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

(B) **DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

(1) **THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**

**USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “finder of fact” is substituted for the former reference to the “jury or the court sitting as a jury” for brevity.

Also in subsection (b)(1) of this section, the former phrase “in fact” is deleted as surplusage.

In subsection (c) of this section, the reference to “[t]he Board” is added for clarity.

Also in subsection (c) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 26-101

“License holder” § 1-101

“State” § 1-101

**26-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(iv).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b) of this section, the reference to probation before "judgment" is substituted for the former reference to a probation "without a verdict" to conform to current terminology.

Also in subsection (b) of this section, the former phrase "[e]xcept as otherwise provided in this section" is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 26-101

"License holder" § 1-101

"State" § 1-101

**26-2704. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER — EXCEPTION FOR CONTINUING CARE RETIREMENT COMMUNITY.**

**RESIDENTS AND THEIR GUESTS IN A CONTINUING CARE RETIREMENT COMMUNITY THAT HOLDS A CLASS C (ON-SALE) BEER, WINE, AND LIQUOR LICENSE MAY CONSUME WINE NOT PURCHASED FROM THE CONTINUING CARE RETIREMENT COMMUNITY IF:**

**(1) THE WINE IS CONSUMED WITH A MEAL IN THE DINING ROOM; AND**

**(2) THE CONTINUING CARE RETIREMENT COMMUNITY:**

**(I) IS OPERATED BY A NONPROFIT ORGANIZATION FOR THE CONTINUING CARE RETIREMENT OF INDIVIDUALS AT LEAST 60 YEARS OLD;**

**(II) HAS BEEN INCORPORATED FOR AT LEAST 1 YEAR;**

**(III) HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM THE DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE; AND**

**(IV) PREPARES AND SERVES MEALS DURING REGULAR OPERATING HOURS TO RESIDENTS AND THEIR GUESTS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(8).

Defined terms: "Beer" § 1-101

"License" § 1-101

"On-sale" § 1-101

"Wine" § 1-101

**26-2705. CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC — CRIMINAL PROCEDURE.**

**AN INDIVIDUAL WHO IS CHARGED WITH A MISDEMEANOR UNDER § 6-321 OF THIS ARTICLE SHALL COMPLY WITH THE COMMAND IN THE CHARGING DOCUMENT TO APPEAR IN COURT BY APPEARING IN COURT IN PERSON.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-204(b).

The reference to an "individual" is substituted for the former defined term "person" because only an individual, i.e., a natural person, and not any of the other entities included in the defined term "person", is capable of consuming alcoholic beverages in public, much less being charged with a misdemeanor for such behavior.

**26-2706. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

**(A) IN GENERAL.**

**AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6-322(A)(1) OF THIS**



**ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY.**

**(B) REQUIRED APPEARANCE IN COURT.**

**AN INDIVIDUAL CHARGED WITH A MISDEMEANOR UNDER § 6-322 OF THIS ARTICLE SHALL COMPLY WITH THE COMMAND IN THE CHARGING DOCUMENT TO APPEAR IN COURT BY APPEARING IN COURT IN PERSON.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 19-301(a)(2) and 19-302(b).

In this section, the references to an "individual" are substituted for the former defined term "person" because only an individual, i.e., a natural person, and not any of the other entities included in the defined term "person", is capable of possessing an open container of an alcoholic beverage in public, much less being charged with a misdemeanor for such behavior.

In subsection (a) of this section, the former definition of "unless authorized" is revised as a substantive statement describing the circumstances under which an individual may possess an alcoholic beverage in an open container for clarity.

Former Art. 2B, § 19-301(a)(1)(vi), which stated that former Art. 2B, § 19-301(a)(2) applied in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section does not specify to whom the written consent must be presented.

Defined term: "Alcoholic beverage" § 1-101

**26-2707. ENTERING LICENSED PREMISES.**

**(A) INDIVIDUAL UNDER THE AGE OF 21 YEARS.**

**AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT:**

**(1) ENTER THE PREMISES OF A LICENSE HOLDER TO OBTAIN ALCOHOLIC BEVERAGES; OR**

**(2) POSSESS ALCOHOLIC BEVERAGES.**

**(B) INDIVIDUAL UNDER THE AGE OF 18 YEARS.**

**AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY NOT ENTER BETWEEN 10 P.M. AND 6 A.M. THE PREMISES OF THE HOLDER OF A CLASS B OR CLASS D BEER LICENSE OR A CLASS B OR CLASS D BEER AND LIGHT WINE LICENSE UNLESS THE INDIVIDUAL IS IN THE COMPANY OF A PARENT, THE LEGAL GUARDIAN, OR THE SPOUSE OF THE INDIVIDUAL.**

**(C) REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS REGARDING THE PRESENCE OF AN INDIVIDUAL UNDER THE AGE OF 21 YEARS ON A LICENSED PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–217(a)(1), the first clause of (2), and the first sentence of (3).

Throughout this section, the references to an “individual” are substituted for the former references to a “person” because this section applies only to natural persons and not the other entities included in the defined term “person”.

In subsection (a) of this section, the former prohibition against an individual under the age of 21 years “purchas[ing] alcoholic beverages” is deleted as redundant of § 1–401 of this article.

Also in subsection (a) of this section, the former prohibition against an individual “misrepresent[ing] his age for the purpose of obtaining alcoholic beverages” is deleted as redundant of § 10–113 of the Criminal Law Article.

In subsection (a)(2) of this section, the reference to “possess[ing] alcoholic beverages” is substituted for the former reference to “hav[ing] alcoholic beverages on or about his person” for clarity.

In subsection (b) of this section, the former phrase “for any purpose” is deleted as surplusage.

Also in subsection (b) of this section, the former prohibition against “remain[ing] upon any portion” of a licensed premises is deleted as included in the prohibition against “enter[ing]” a licensed premises.

Also in subsection (b) of this section, the former reference to the premises “where the privileges conferred by the license are exercised” is deleted as implicit in the reference to the “premises of the holder”.

Also in subsection (b) of this section, the former reference to the “immediate” company of a parent or guardian is deleted as surplusage.

In subsection (c) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

Also in subsection (c) of this section, the former phrases “in addition to the other powers and duties conferred upon them”, “as they deem necessary”, and “in addition to or in lieu of the provisions stated in this section” are deleted as surplusage.

The second sentence of former Art. 2B, § 8–217(a)(3), which provided that it is unlawful for a person to misrepresent the age of a person under the age of 21 years to obtain alcoholic beverages for that person or another, is deleted as redundant of § 10–113 of the Criminal Law Article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 26–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**26–2708. USE OF SELF–SCANNING CASH REGISTER OR AUTOMATED SYSTEM FOR SALES PROHIBITED.**

**(A) IN GENERAL.**

**A LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES BY MEANS OF A SELF–SCANNING CASH REGISTER OR OTHER AUTOMATED SYSTEM THAT IS:**

**(1) CAPABLE OF RECOVERING STORED INFORMATION RELATED TO THE SALE PRICE OF INDIVIDUAL RETAIL ITEMS; AND**

**(2) OPERATED ON A SELF–SERVICE BASIS BY A CUSTOMER.**

**(B) PENALTY.**

**IF A LICENSE HOLDER VIOLATES THIS SECTION, THE BOARD MAY IMPOSE ON THE LICENSE HOLDER:**

**(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;**

**(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,500; AND**

**(3) FOR A THIRD OR SUBSEQUENT OFFENSE:**

**(I) A FINE NOT EXCEEDING \$2,500; OR**

**(II) SUSPENSION OR REVOCATION OF THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-217.1(b) and (c).

In subsection (a) of this section and in the introductory language of subsection (b) of this section, the former references to a license holder being "licensed under this article" are deleted as included in the references to a license holder.

In the introductory language of subsection (b) of this section, the former reference to the "local licensing" board is deleted as included in the reference to the Board.

Former Art. 2B, § 12-217.1(a), which stated that former Art. 2B, § 12-217.1 applied in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 26-101

"License" § 1-101

"License holder" § 1-101

**SUBTITLE 28. PENALTIES.****26-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: "County" § 26-101

**26-2802. PENALTY IMPOSED BY BOARD.****(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES TO A VIOLATION THAT IS CAUSE FOR SUSPENSION OR REVOCATION OF A LICENSE.**

**(B) FIRST, SECOND, OR THIRD OFFENSE.**

**INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, THE BOARD MAY:**

**(1) FOR A FIRST OFFENSE:**

**(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, IMPOSE A FINE NOT EXCEEDING \$1,500; OR**

**(II) FOR A VIOLATION OF § 10–117 OF THE CRIMINAL LAW ARTICLE, IMPOSE A FINE OF \$1,500;**

**(2) FOR A SECOND OFFENSE IN THE SAME 24–MONTH PERIOD, IMPOSE A FINE NOT EXCEEDING \$6,000; AND**

**(3) FOR A THIRD OFFENSE IN THE SAME 24–MONTH PERIOD, IMPOSE A FINE OF \$7,500.**

**(C) FOURTH OFFENSE.**

**FOR A FOURTH OFFENSE IN THE SAME 24–MONTH PERIOD, THE BOARD SHALL SUSPEND THE LICENSE FOR 30 DAYS, UNLESS THE BOARD REVOKES THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(r).

In subsection (a) of this section, the reference to suspension or revocation “of a license” is substituted for the former reference to suspension or revocation “under the alcoholic beverage laws affecting Prince George’s County” for brevity.

In subsection (b)(2) of this section, the former reference to a fine “of not less than \$1,501” is deleted as unenforceable in light of § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(1)(i) of this section, the mandatory penalty of a fine “of” \$1,500 for a violation of § 10–117 of the Criminal Law Article is subject to § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character. As a practical matter, therefore, any first offense is subject to a fine “not exceeding” \$1,500, and there is no actual distinction between the penalty for a first

violation of § 10–117 of the Criminal Law Article and any other first violation that is cause for suspension or revocation under this section.

Defined terms: “Board” § 26–101  
“License” § 1–101

## **TITLE 27. QUEEN ANNE’S COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **27–101. DEFINITIONS.**

##### **(A) IN GENERAL.**

##### **IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

##### **(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR QUEEN ANNE’S COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Queen Anne’s County”.

##### **(C) COUNTY.**

**“COUNTY” MEANS QUEEN ANNE’S COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Queen Anne’s County”.

#### **27–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN QUEEN ANNE’S COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**27–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 27–101

**GENERAL REVISOR’S NOTE TO SUBTITLE**

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(s), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.****27–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR QUEEN ANNE’S COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 15–104(d), as it related to constituting the Board of License Commissioners for Queen Anne's County.

**27–202. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE COUNTY COMMISSIONERS SHALL APPOINT FIVE MEMBERS TO THE BOARD.**

**(2) AT LEAST TWO MEMBERS OF THE BOARD SHALL BE MEMBERS OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING GUBERNATORIAL ELECTION POLLED THE SECOND HIGHEST NUMBER OF VOTES IN THE COUNTY FOR GOVERNOR.**

**(B) TENURE.**

**(1) THE TERM OF A MEMBER IS 4 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(C) VACANCIES.**

**(1) THE COUNTY COMMISSIONERS SHALL APPOINT AN INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF A MEMBER WHO REFUSES OR IS UNABLE TO SERVE.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(D) REMOVAL.**

**THE COUNTY COMMISSIONERS MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

REVISOR'S NOTE: Subsections (a), (b)(1), (c), and (d) of this section are new language derived without substantive change from the first through fourth sentences of former Art. 2B, §§ 15–104(d), except as it related to designating a chair, and the first sentence of 15–110(b).



Subsection (b)(2) of this section is new language added to clarify that the terms of members of the Board are staggered. This addition is not intended to alter the term of any member of the Board of License Commissioners for Queen Anne's County.

In subsection (a)(2) of this section, the reference to "members of the Board" is substituted for the former reference to "persons" for clarity.

Also in subsection (a)(2) of this section, the reference to the "last preceding" gubernatorial election is substituted for the former reference to the "most recent" gubernatorial election for consistency with other similar provisions of this article. Similarly, the reference to "poll[ing]" votes is substituted for the former reference to "receiv[ing]" votes.

In subsection (c)(2) of this section, the former phrase "at any time" is deleted as surplusage.

Also in subsection (c)(2) of this section, the former reference to being unable to serve "for any reason" is deleted as surplusage.

In subsection (d) of this section, the reference to "misconduct in office, incompetence, or willful neglect of duty" is substituted for the former reference to "the causes in this section prescribed" for clarity.

Also in subsection (d) of this section, the former reference to the County Commissioners removing a member of the board of license commissioners "appointed by them" is deleted as unnecessary because all of the members are appointed by the County Commissioners.

Former Art. 2B, § 15-101(s), which provided a cross-reference to provisions applicable to Queen Anne's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 27-101  
"County" § 27-101

### **27-203. CHAIR.**

**THE COUNTY COMMISSIONERS SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 15-104(d), as it related to designating a chair.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Defined terms: “Board” § 27–101

“County” § 27–101

**27–204. QUORUM; SALARY; STAFF.**

**(A) QUORUM.**

**THREE MEMBERS OF THE BOARD ARE A QUORUM FOR TRANSACTING BUSINESS.**

**(B) SALARY.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS SHALL DETERMINE THE RATE OF COMPENSATION FOR THE BOARD.**

**(2) THE RATE MAY NOT BE LESS THAN:**

**(I) \$65 PER MEETING FOR THE CHAIR; AND**

**(II) \$60 PER MEETING FOR EACH OTHER MEMBER.**

**(C) STAFF.**

**SUBJECT TO SUBSECTION (D) OF THIS SECTION AND § 27–205 OF THIS SUBTITLE, THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY;**

**AND**

**(2) SET THE COMPENSATION OF THE EMPLOYEES.**

**(D) ATTORNEY.**

**(1) THE COUNTY COMMISSIONERS SHALL APPOINT AN ATTORNEY AT A SALARY THAT THE COUNTY COMMISSIONERS SET.**

**(2) THE ATTORNEY SHALL HANDLE LEGAL MATTERS FOR THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(s), 15–112(a)(2) and (s)(3), and the fifth sentence of 15–104(d).

In subsection (a) of this section, the former reference to three “or more” members being a quorum is deleted as surplusage.

In subsection (b)(2)(i) of this section, the reference to the “chair” is substituted for the former reference to the “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (b)(2)(ii) of this section, the reference to “other” members is substituted for the former reference to “regular” members for clarity.

In subsection (c)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

The sixth sentence of former Art. 2B, § 15–104(d), which stated that at least three members of the Board who are present at any voting session must concur in the approval, denial, revocation, suspension, or reclassification of a license, is deleted as unnecessary in light of subsection (a) of this section, which states that three members of the Board are a quorum for transacting business.

Defined terms: “Board” § 27–101  
“County” § 27–101

## **27–205. INSPECTOR.**

### **(A) FULL-TIME POSITION; COMPENSATION.**

**THE BOARD SHALL APPOINT AN INSPECTOR AT NOT LESS THAN \$3,000 ANNUALLY AND WITH A MILEAGE ALLOWANCE THAT THE COUNTY COMMISSIONERS DETERMINE.**

### **(B) VISITS AND INSPECTIONS.**

**THE INSPECTOR SHALL VISIT AND INSPECT EVERY LICENSED PREMISES IN THE COUNTY AT LEAST ONCE EVERY 60 DAYS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(s)(2).

In subsection (a) of this section, the former reference to “an amount” is deleted as surplusage.

In subsection (b) of this section, the former reference to a premises licensed “under the provisions of this article” is deleted as surplusage.

Former Art. 2B, § 15–112(s)(1), which provided that former Art. 2B, § 15–112(s) applied only in Queen Anne’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 27–101  
“County” § 27–101

## **27–206. REGULATIONS.**

### **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Queen Anne’s County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 27–101

### **SUBTITLE 3. LIQUOR CONTROL.**

## **27–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: "County" § 27-101

#### **SUBTITLE 4. MANUFACTURER'S LICENSES.**

##### **27-401. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-201 ("ISSUANCE BY COMPTROLLER");**
- (2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**
- (3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**
- (4) § 2-205 ("CLASS 3 WINERY LICENSE");**
- (5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**
- (6) § 2-207 ("CLASS 5 BREWERY LICENSE");**
- (7) § 2-209 ("CLASS 7 MICRO-BREWERY LICENSE");**
- (8) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**
- (9) § 2-211 ("RESIDENCY REQUIREMENT");**
- (10) § 2-212 ("ADDITIONAL LICENSES");**
- (11) § 2-213 ("ADDITIONAL FEES");**
- (12) § 2-214 ("SALE OR DELIVERY RESTRICTED");**
- (13) § 2-215 ("BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED");**

(14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);

(15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTION.**

**SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 2-208 (“CLASS 6 PUB-BREWERY LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 27-403 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Former Art. 2B, § 2-208(b)(2)(xviii), which stated that a Class 7 micro-brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 27-101  
“Manufacturer’s license” § 1-101

**27-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-101(b)(13).

Defined terms: “Alcoholic beverage” § 1-101

“Manufacturer’s license” § 1–101

**27–403. CLASS 6 PUB–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE COUNTY.**

**(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

**SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–207(a)(4), as it related to the availability of a Class 6 pub–brewery license in Queen Anne’s County, and, as it authorized off–sale privileges of beer in refillable containers only in specific jurisdictions, not including the County, the introductory language of (g)(1).

Defined terms: “County” § 27–101

“License” § 1–101

**SUBTITLE 5. WHOLESALER’S LICENSES.**

**27–501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 27–101

“Wholesaler’s license” § 1–101

**27–502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 27–503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(a).

Defined terms: “Alcoholic beverage” § 1–101  
“Wholesaler’s license” § 1–101

**27–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

**(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

**A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.**

**(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

**THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101  
“Wholesaler’s license” § 1–101



**SUBTITLE 6. BEER LICENSES.****27-601. CLASS A BEER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(s) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "sell[ing]" is substituted for the former reference to "deliver[ing]" for clarity and accuracy.

Defined terms: "Beer" § 1-101

"Consumer" § 1-101

**27-602. CLASS B BEER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.****(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(s) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Beer” § 1-101

“Hotel” § 1-101

“Restaurant” § 1-101

**27-603. CLASS C BEER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY BE ISSUED TO A LOCAL UNIT OF A NATIONWIDE NONPROFIT ORGANIZATION OR CLUB THAT:**

**(I) IS COMPOSED SOLELY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS ENGAGED;**

**(II) HAS A CHARTER FROM A NATIONAL VETERANS' ORGANIZATION BEFORE APPLYING FOR THE LICENSE; AND**

**(III) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND THEIR GUESTS, WHEN THE GUESTS ARE ACCOMPANIED BY MEMBERS.**

**(3) A LICENSE MAY BE ISSUED TO A YACHT CLUB, GOLF CLUB, FRATERNAL CLUB OR ORDER, COUNTRY CLUB, OR SOCIAL OR RECREATIONAL CLUB THAT:**

**(I) IS NOT OPERATED FOR PROFIT;**

**(II) FOR 1 YEAR IMMEDIATELY PRECEDING THE YEAR FOR WHICH THE LICENSE IS ISSUED, HAS HAD AT LEAST 50 ADULT MEMBERS WHO PAID ANNUAL DUES OF AT LEAST \$25;**

**(III) OWNS OR OPERATES A CLUBHOUSE THAT HAS, OR MEETING ROOMS THAT HAVE, FACILITIES FOR PREPARING AND SERVING FOOD ON THE PREMISES;**

**(IV) IS PRINCIPALLY USED FOR MEMBERS AND THEIR GUESTS, WHEN THE GUESTS ARE ACCOMPANIED BY MEMBERS; AND**

**(V) IS NOT DIRECTLY OR INDIRECTLY OWNED OR OPERATED AS A PUBLIC BUSINESS.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(s) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the local licensing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) and (3) of this section, the former references to “bona fide” members and clubs are deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

In subsection (b)(2)(iii) of this section, the former reference to a club’s “own” members is deleted as surplusage.

In the introductory language of subsection (b)(3) of this section, the former reference to a license being issued “only” to certain types of clubs is deleted for clarity.

In subsection (b)(3)(ii) of this section, the former phrase “per annum” is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Club” § 1–101

#### **27–604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(s) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on- and off-premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined term: “Beer” § 1-101

## **SUBTITLE 7. WINE LICENSES.**

### **27-701. CLASS A WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

#### **(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

#### **(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4-201(a)(15), (b)(1), (c)(1), and (d)(1).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 27–101  
“Wine” § 1–101

## **SUBTITLE 8. BEER AND WINE LICENSES.**

### **27–801. CLASS A BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND WINE LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(s) and (a)(1).

In this section and throughout this subtitle, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101  
 “Wine” § 1–101

## **27–802. CLASS B BEER AND WINE LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(s) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101  
“Hotel” § 1–101  
“Restaurant” § 1–101  
“Wine” § 1–101

**27–803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(s).

Defined terms: “Beer” § 1–101  
“County” § 27–101  
“Wine” § 1–101

**27–804. CLASS D BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(s) and (a)(1).



Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1-101  
“Wine” § 1-101

## **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

### **27-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

#### **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

#### **(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(s) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the references to “beer, wine, or liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Wine” § 1–101

**27–902. HOTEL AND RESTAURANT REQUIREMENTS FOR CLASS B LICENSES.****(A) HOTEL REQUIREMENTS.**

**A HOTEL FOR WHICH A CLASS B LICENSE OF ANY TYPE IS ISSUED SHALL:**

- (1) BE A BUILDING CONSTRUCTED FOR HOTEL PURPOSES;**
- (2) HAVE AT LEAST 20 BEDROOMS;**
- (3) PROVIDE SERVICES ORDINARILY FOUND IN HOTELS TO ACCOMMODATE THE PUBLIC;**

(4) HAVE A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING MEALS; AND

(5) HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

**(B) RESTAURANT REQUIREMENTS.**

A RESTAURANT FOR WHICH A CLASS B LICENSE OF ANY TYPE IS ISSUED SHALL:

(1) BE A BUSINESS ESTABLISHMENT TO ACCOMMODATE THE PUBLIC;

(2) BE FULLY EQUIPPED WITH A PROPER AND ADEQUATE DINING ROOM WITH SEATING FOR AT LEAST 12 INDIVIDUALS;

(3) HAVE SUFFICIENT FACILITIES THAT HAVE BEEN APPROVED BY THE BOARD FOR PREPARING AND SERVING MEALS; AND

(4) HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE AVERAGE DAILY RECEIPTS OF THE BUSINESS.

**(C) GROSS RECEIPTS RATIO.**

**THE BOARD:**

(1) SHALL REQUIRE A HOLDER OF A CLASS B LICENSE AT LEAST EVERY 2 YEARS, ON DATES THAT THE BOARD SETS, TO FILE WITH THE BOARD A SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES IN THE RESTAURANT FOR THE 6 MONTHS IMMEDIATELY BEFORE THE FILING OF THE REPORT EXCEED THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES; AND

(2) MAY REQUIRE A LICENSE HOLDER TO PROVIDE SUPPORTING DATA TO ESTABLISH THAT THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION RELATING TO THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO THOSE FROM THE SALE OF ALCOHOLIC BEVERAGES HAVE BEEN MET.

**(D) ISSUANCE REQUIREMENT.**

(1) BEFORE A CLASS B LICENSE OF ANY TYPE IS ISSUED, THE APPLICANT SHALL ATTEST IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM

**FOOD SALES IN THE RESTAURANT WILL EXCEED THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(2) IF THE LICENSE HOLDER FAILS TO MAINTAIN GROSS RECEIPTS FROM THE SALE OF FOOD THAT EXCEED THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES DURING ANY 6-MONTH PERIOD, THE BOARD MAY REVOKE THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-218(a), (c), and (d).

In subsections (a) and (b) of this section, the former defined terms “hotel” and “restaurant” are revised as substantive provisions for clarity.

In subsection (a)(1) of this section, the former reference to a “structure” is deleted as redundant of a “building”. Similarly, the former reference to “erected” is deleted as redundant of “constructed”.

In subsection (b)(2) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection applies only to human beings.

Also in subsection (b)(2) of this section, the former reference to seating “capacity” is deleted as surplusage.

In subsection (c)(1) of this section, the reference to “every 2 years” is substituted for the former reference to “biannually” for clarity.

Also in subsection (c)(1) of this section, the former language stating that “nothing prohibits the Board of License Commissioners from requiring more frequent sworn statements” is deleted as unnecessary in light of the provision that the Board require a license holder “at least” every 2 years to file a sworn statement.

Defined terms: “Alcoholic beverage” § 1-101

“Board” § 27-101

“Hotel” § 27-101

“Restaurant” § 27-101

**27-903. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT THAT MEETS THE REQUIREMENTS IN § 27-902 OF THIS SUBTITLE AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(a)(1) and (s)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Defined terms: "Beer" § 1-101

"Hotel" § 27-101

"Restaurant" § 27-101

"Wine" § 1-101

**27-904. CLASS B-D BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-D BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE AT AN ESTABLISHMENT:**

**(1) THAT HAS FACILITIES FOR PREPARING AND SERVING FOOD TO THE PUBLIC; AND**

**(2) THAT DERIVES AT LEAST 25% OF THE AVERAGE DAILY GROSS RECEIPTS OF THE ESTABLISHMENT THAT ARE FROM THE SALE OF FOOD; AND**

**(3) WHOSE AVERAGE DAILY GROSS RECEIPTS ARE APPROVED BY THE BOARD.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE:**

(1) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND

(2) BEER FOR OFF-PREMISES CONSUMPTION.

(D) CONVERSION OF CLASS B LICENSE.

A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY CONVERT THE LICENSE TO A CLASS B-D LICENSE.

(E) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 27-2004(C) OF THIS TITLE.

(F) FEE.

THE ANNUAL LICENSE FEE IS \$1,800.

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 8-218(e).

Subsection (e) of this section is new language added for clarity.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to the issuance of the license "only" to specified establishments is deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the reference that the Board "may issue" the license is substituted for the former reference that the Board "may authorize the issuance" of the license for brevity and clarity.

Also in the introductory language of subsection (b)(1) of this section, the former reference to the issuance of an "additional" alcoholic beverages license is deleted as unnecessary.

In subsection (b)(2) of this section, the reference to an establishment that "derives" at least 25% of its average daily gross receipts from food sales is substituted for the former reference that food sales "comprise" at least 25% of the average daily gross receipts for clarity.

Also in subsection (b)(2) of this section, the reference to the average daily gross receipts of the “establishment” is substituted for the former reference to the average daily gross receipts of the “entire business” for clarity and consistency within this section.

In the introductory language of subsection (c) of this section, the former reference authorizing a license holder to “keep for sale” beer, wine, and liquor is deleted as included in the phrase “to sell” beer, wine, and liquor.

In subsection (d) of this section, the reference to the authority of a license holder to “convert” a license is substituted for the former reference authorizing a license holder to “exchange” a license for clarity and consistency within this revised article.

Also in subsection (d) of this section, the reference authorizing “[a] holder” of a Class B license to convert the license is substituted for the former reference authorizing “[a]ll restaurants” to exchange the license for clarity and accuracy, as a license may be held only by an individual and merely applies to a restaurant.

Also in subsection (d) of this section, the former reference to the “current” license is deleted as surplusage.

Also in subsection (d) of this section, the former reference authorizing a license holder to convert a “valid” license is deleted as implicit.

Defined terms: “Beer” § 1–101

“Board” § 27–101

“Wine” § 1–101

## **27–905. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

#### **(1) A NONPROFIT ORGANIZATION OR CLUB THAT:**

**(I) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED; AND**

**(II) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; OR**

**(2) A YACHT CLUB, GOLF CLUB, FRATERNAL CLUB OR ORDER, COUNTRY CLUB, OR SOCIAL OR RECREATIONAL CLUB THAT:**

**(I) HAS AT LEAST 50 ADULT MEMBERS PAYING DUES OF AT LEAST \$20 PER YEAR PER MEMBER FOR THE YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED; AND**

**(II) OWNS OR OPERATES A CLUBHOUSE OR MEETING ROOM THAT HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE PREMISES, WHICH ARE PRINCIPALLY USED FOR MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A CLUB, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(a)(1) and (s)(2) through (4).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

In subsection (b)(1)(i) and (2) of this section, the former references to a "bona fide" organization or club are deleted as surplusage. Similarly, in subsection (b)(1)(ii) of this section, the former reference to "bona fide" adult members is deleted.

In subsection (b)(2) of this section, the former requirement that the organization "not [be] directly or indirectly owned or operated as a public business" is deleted as unnecessary because the organization is nonprofit.



Also in subsection (b)(2) of this section, the former phrase “which is not operated for profit,” is deleted as unnecessary in light of the defined term “club”.

In subsection (c) of this section, the phrase “for on- or off-premises consumption”, which revises the provision specifically applicable to Queen Anne’s County – former Art. 2B, § 6–301(s)(4) – supersedes the provision of former Art. 2B, § 6–301(a)(1), which stated in general terms that a Class C license shall be issued “for consumption on the premises only”. The revision follows § 1–202 of this article, which states that to the extent that a statement of a general rule of law conflicts or is inconsistent with an exception or qualification applicable to a special area, the exception or qualification prevails.

Also in subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

Former Art. 2B, § 6–301(s)(1), which stated that former Art. 2B, § 6–301(s) applied only in Queen Anne’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 27–101

“Club” § 1–101

“Wine” § 1–101

## **27–906. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL:**

**(1) BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION; AND**

**(2) BEER FOR OFF–PREMISES CONSUMPTION.**

### **(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

### **(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,800.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(s)(2) and (3) and the first and third sentences of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(2) of this section, the reference to “beer for off–premises consumption” is substituted for the former reference to “the off–sale of beer” for clarity.

Former Art. 2B, § 6–401(s)(1), which stated that former Art. 2B, § 6–401(s) applied only in Queen Anne’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
“Wine” § 1–101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.****27–1001. CONFERENCE CENTER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS B (CONFERENCE CENTER) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE IN A CONFERENCE CENTER THAT HAS THE FOLLOWING FACILITIES TO ACCOMMODATE AT LEAST 100 INDIVIDUALS:**

- (1) A KITCHEN FACILITY;**
- (2) A DINING FACILITY; AND**
- (3) OVERNIGHT FACILITIES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION TO INDIVIDUALS ATTENDING AN EVENT AT THE CONFERENCE CENTER.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 27-2004 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-201(s)(4).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class B beer, wine, and liquor license in Queen Anne's County.

In subsections (b) and (c) of this section, the references to "individuals" are substituted for the former references to "persons" because the provision only applies to human beings.

Former Art. 2B, § 6-201(s)(1), which stated that former Art. 2B, § 6-201(s) applied only in Queen Anne's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 27-101

"Wine" § 1-101

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**27-1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 ("ADDITIONAL LICENSE PRIVILEGES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND

(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).

(B) EXCEPTION.

SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATION.

SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 27-1102 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101  
“County” § 27-101  
“License” § 1-101  
“License holder” § 1-101  
“Wine” § 1-101

**27-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

(A) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A, CLASS B, CLASS C, OR CLASS D LICENSE.

(B) APPLICATION FORM.

AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.

(C) HOURS OF SALE.

THE HOURS OF SALE FOR THE PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND

**(2) END AT MIDNIGHT.**

**(D) FEES.**

**THE ANNUAL PERMIT FEES ARE:**

**(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

**(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-218.1(c)(1), (3), and (4).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

In subsection (c) of this section, the reference to the "underlying license" is substituted for the former reference to the "license already held by the person to whom the refillable container permit is issued" for brevity.

Former Art. 2B, § 8-103(a)(1)(vii), which stated that former Art. 2B, § 8-103 applied with respect to draft beer in Queen Anne's County, and former Art. 2B, § 8-218.1(a)(1), which stated that former Art. 2B, § 8-218.1 applied only in the County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-218.1(a)(2), which defined the term "Board" to mean the Queen Anne's County Board of License Commissioners, is deleted as redundant of the defined term "Board" in § 27-101 of this title.

Former Art. 2B, § 8-218.1(b) and (c)(2) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4-1104 of this article.

Former Art. 2B, § 8-218.1(c)(5), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has power to adopt regulations under § 27-206 of this title.

Defined terms: "Beer" § 1-101

"Board" § 27-101

"License" § 1-101

"Off-sale" § 1-101

## **SUBTITLE 12. CATERER'S LICENSES.**

**27-1201. LOCAL CATERER'S LICENSE.****(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER'S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) PROVIDE ALCOHOLIC BEVERAGES AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Queen Anne's County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6–707(b) through (g).

In subsection (d) of this section, the former reference to providing food “as well as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section, the reference to a “local” caterer’s license is added for clarity.

Also in subsection (f) of this section, the reference to the premises “for which the Class B license is issued” is substituted for the former reference to premises “that is covered by the existing license” for clarity.

Also in subsection (f) of this section, the former reference to an “existing” Class B license is deleted as surplusage.

Former Art. 2B, § 6–707(a), which stated that former Art. 2B, § 6–707 applied only in Queen Anne’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 27–101

“Hotel” § 1–101

“On-sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

#### **27–1301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 27–101

#### **27–1302. RESERVED.**

#### **27–1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**27-1304. BEER AND WINE FESTIVAL LICENSE.**

**(A) “FESTIVAL” DEFINED.**

**IN THIS SECTION, “FESTIVAL” MEANS A BEER AND WINE FESTIVAL (BWF) IN QUEEN ANNE’S COUNTY.**

**(B) ESTABLISHED.**

**THERE IS A BEER AND WINE FESTIVAL (BWF) LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL:**

**(1) WINE THAT IS:**

**(I) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

**(II) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED; OR**

**(2) BEER THAT IS BREWED BY A BREWER:**

**(I) THAT BREWS LESS THAN 60,000 BARRELS OF BEER ANNUALLY; AND**

**(II) WHOSE PRODUCT IS DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.**

**(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL BEER AND WINE:**

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



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

(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.

**THE BOARD:**

(1) EACH YEAR MAY CHOOSE FOR THE FESTIVAL A MAXIMUM OF 4 WEEKENDS, EACH OF WHICH:

(I) EXTENDS FROM FRIDAY THROUGH SUNDAY, INCLUSIVE;  
BUT

(II) IS NOT WITHIN 14 DAYS BEFORE OR AFTER THE WEEKEND CHOSEN FOR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;

(2) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED;  
AND

(3) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER AND WINE.

(G) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(H) INVOICING AND DELIVERY.

**BEER AND WINE DISPLAYED AND SOLD SHALL BE:**

(1) INVOICED TO THE LICENSE HOLDER BY A LICENSED WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND

(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.

(I) DELIVERY AGREEMENT.

A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:

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

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

**(J) FEE.**

**THE BOARD MAY SET THE LICENSE FEE.**

**(K) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–311(c) through (i) and (a)(1) and (3).

Throughout this section, the former references to “special” festival licenses are deleted as surplusage.

Subsection (b) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the “license authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “licensee shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (d) of this section, the former requirement that wine must be “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (f)(1)(ii) of this section, the reference to the Maryland Wine Festival “in Carroll County” is added for clarity.

Also in subsection (f)(1)(ii) of this section, the reference to a weekend that “is not within 14 days before or after” the weekend of the Maryland Wine Festival

is substituted for the former reference to the weekend that “does not occur within 14 days on either side” of the Maryland Wine Festival for clarity.

In subsection (f)(2) of this section, the reference to a location “that is not already licensed” is substituted for the former reference to a location “which is not licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(2) of this section, the former reference to a location “for a Festival” is deleted as surplusage.

Also in subsection (f)(2) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder” from holding another license for clarity.

In the introductory language of subsection (h) of this section, the reference to “[b]eer and wine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “wholesaler, winery, or limited winery” and in the introductory language of subsection (i) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for the former reference to “holders of wholesale, winery, or limited winery licenses”.

In the introductory language of subsection (i) of this section, the former phrase “[w]henver a festival license is issued pursuant to this subsection,” is deleted as surplusage.

In subsection (i)(1) of this section, the reference to the delivery of beer and wine “not earlier than” 2 days before the effective date is added for clarity. Similarly, in subsection (i)(2) of this section, the reference to the acceptance of returns “not later than” 2 days after the expiration date is added.

Former Art. 2B, § 8–311(a)(2), which defined “Board” to mean the Queen Anne’s County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 27–101 of this title.

Former Art. 2B, § 8–311(b), which stated that former Art. 2B, § 8–311 applied only in Queen Anne’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 27–101

“State” § 1–101

“Wine” § 1–101

**27–1305. WINE TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A WINE TASTING (WT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW, FOR TASTING, THE ON-PREMISES CONSUMPTION OF WINE THAT CONTAINS NOT MORE THAN 22% OF ALCOHOL BY VOLUME.**

**(D) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE:**

**(1) NOT MORE THAN 2 OUNCES FROM EACH OFFERING TO AN INDIVIDUAL; AND**

**(2) NOT MORE THAN 4 OUNCES TO AN INDIVIDUAL IN A DAY.**

**(E) FEE.**

**IN ADDITION TO THE FEE FOR ANY OTHER LICENSE, THE ANNUAL LICENSE FEE IS \$100.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–410.1(b).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to the license “authoriz[ing] the holder to allow” the consumption of wine is added for clarity and consistency with the terminology used throughout this article.

Also in subsection (c) of this section, the former reference to “sampling” is deleted as redundant of the reference to “tasting”.

In subsection (d) of this section, the reference to each “offering” is substituted for the former reference to each “given brand” for clarity.

Also in subsection (d) of this section, the references to an “individual” are substituted for the former, overly broad references to a “person” for clarity.

Former Art. 2B, § 8–410.1(a), which stated that former Art. 2B, § 8–410.1 applied only in Queen Anne’s County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–410.1(c), which stated that the Board of License Commissioners may adopt regulations to carry out this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 27–206 of this title.

Defined terms: “Beer” § 1–101

“Board” § 27–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

## **27–1306. BEER, WINE, AND LIQUOR TASTING LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A BEER, WINE, AND LIQUOR TASTING (BWLTT) LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

### **(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION FOR TASTING IN A QUANTITY OF:**

(I) NOT MORE THAN 1 OUNCE OF BEER FROM EACH OFFERING AND 4 OUNCES FROM ALL OFFERINGS;

(II) NOT MORE THAN 2 OUNCES OF WINE FROM EACH OFFERING AND 4 OUNCES FROM ALL OFFERINGS; AND

(III) NOT MORE THAN ONE-HALF OUNCE OF LIQUOR FROM EACH OFFERING AND 1.5 OUNCES FROM ALL OFFERINGS.

(2) THE LIMITS ON CONSUMPTION SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION APPLY TO ONE INDIVIDUAL IN A DAY.

(D) FEE.

IN ADDITION TO THE FEE FOR ANY OTHER LICENSE HELD BY THE LICENSE HOLDER, THE ANNUAL LICENSE FEE IS \$100.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-410.2(b) through (e).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (c) of this section, the references to each "offering" and all "offerings" are substituted for the former references to each "given brand" and all "brands" for clarity.

In subsection (c)(1) of this section, the reference to the license authorizing "the holder to allow the consumption" is added for clarity and consistency with terminology used throughout this article.

Former Art. 2B, § 8-410.2(a), which stated that former Art. 2B, § 8-410.2 applied only in Queen Anne's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 27-101

"License" § 1-101

"License holder" § 1-101

"Wine" § 1-101

**27-1307. RESERVED.**

**27-1308. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.****27-1309. RESERVED.****SUBTITLE 14. APPLICATIONS FOR LICENSES.****27-1401. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (3) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (4) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);**
- (5) § 4-111 (“PAYMENT OF LICENSE FEES”);**
- (6) § 4-112 (“DISPOSITION OF LICENSE FEES”); AND**
- (7) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”); AND**
- (2) § 4-113 (“REFUND OF LICENSE FEES”), WHICH IS SUPERSEDED BY § 27-1406 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), SUBJECT TO § 27-1402 OF THIS SUBTITLE;**

**(2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), SUBJECT TO § 27-1403 OF THIS SUBTITLE;**

**(3) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), SUBJECT TO § 27-1403 OF THIS SUBTITLE; AND**

**(4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 27-1404 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 27-101

**27-1402. APPLICATION ON BEHALF OF PARTNERSHIP.**

**AN APPLICANT ON BEHALF OF A PARTNERSHIP MAY NOT BE ISSUED A CLASS A BEER, WINE AND LIQUOR LICENSE UNLESS THE OWNERS OF 75% OF THE INTEREST IN THE PARTNERSHIP HAVE BEEN RESIDENTS OF THE COUNTY FOR 2 YEARS IMMEDIATELY BEFORE THE APPLICATION IS FILED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(f)(1), as it related to a partnership.

The reference to an “applicant on behalf of a partnership” is substituted for the former reference to an “individual for the use of a partnership” to conform to the terminology used throughout this subtitle.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement that an applicant reside in the County may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined term: “County” § 27-101



**27-1403. APPLICATION ON BEHALF OF CORPORATION OR LIMITED LIABILITY COMPANY.**

**(A) REQUIREMENTS FOR CLASS A BEER, WINE, AND LIQUOR LICENSE APPLICATION.**

**(1) AN INDIVIDUAL ON BEHALF OF A CORPORATION OR LIMITED LIABILITY COMPANY MAY NOT BE ISSUED A CLASS A BEER, WINE, AND LIQUOR LICENSE UNLESS THE OWNERS OF 75% OF THE TOTAL ISSUED CAPITAL STOCK OR INTEREST IN THE CORPORATION OR LIMITED LIABILITY COMPANY HAVE BEEN RESIDENTS OF THE COUNTY FOR 2 YEARS IMMEDIATELY BEFORE THE APPLICATION IS FILED.**

**(2) A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED FOR A CORPORATION IF MORE THAN ONE CLASS OF COMMON STOCK IS AUTHORIZED BY THE CORPORATE CHARTER.**

**(B) FOR APPLICATIONS OTHER THAN FOR CLASS A BEER, WINE, AND LIQUOR LICENSES.**

**(1) THIS SUBSECTION DOES NOT APPLY TO:**

**(I) A CLASS A BEER, WINE, AND LIQUOR LICENSE; OR**

**(II) ANY OTHER LICENSE ISSUED BEFORE MAY 1, 1976.**

**(2) AN APPLICANT FOR A LICENSE ON BEHALF OF A CORPORATION OR LIMITED LIABILITY COMPANY IS NOT REQUIRED TO BE A RESIDENT OF THE COUNTY.**

**(3) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH APPLICANT APPLYING FOR A LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL:**

**(I) BE A RESIDENT OF THE STATE; AND**

**(II) OWN AT LEAST 15% OF THE TOTAL OUTSTANDING SHARES OF COMMON STOCK OF THE CORPORATION OR AT LEAST A 15% INTEREST IN THE LIMITED LIABILITY COMPANY, ENTITLING THE APPLICANT TO VOTE AT A MEETING OF STOCKHOLDERS OR MEMBERS.**

**(4) A LICENSE MAY NOT BE ISSUED FOR A CORPORATION IF MORE THAN ONE CLASS OF COMMON STOCK IS AUTHORIZED BY THE CORPORATE CHARTER.**

**(5) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH YEAR, AN APPLICANT, THE CORPORATION, OR THE LIMITED LIABILITY COMPANY SHALL SUBMIT TO THE BOARD A SWORN STATEMENT THAT CONTAINS:**

**(I) THE NAME AND ADDRESS OF EACH STOCKHOLDER OF THE CORPORATION AND THE NUMBER OF SHARES THE STOCKHOLDER OWNS AND IS ENTITLED TO VOTE AT A STOCKHOLDER MEETING; OR**

**(II) THE NAME AND ADDRESS OF EACH MEMBER OF THE LIMITED LIABILITY COMPANY AND THE AMOUNT OF INTEREST THE MEMBER OWNS AND IS ENTITLED TO VOTE AT A MEETING OF MEMBERS.**

**(6) THE BOARD MAY REQUIRE AN APPLICANT TO SUBMIT OTHER INFORMATION REGARDING THE BACKGROUND AND PRIOR ACTIVITIES OF THE APPLICANT.**

**(C) CONFERENCE CENTER.**

**SUBSECTION (B)(3) AND (5) OF THIS SECTION DOES NOT APPLY TO A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE FOR USE IN A CONFERENCE CENTER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(g) and (f)(2) and, as it related to corporations and limited liability companies, (1).

In subsection (a)(1) of this section, the reference to "immediately before" is substituted for the former reference to "next preceding" for clarity.

Also in subsection (a)(1) of this section, the former reference to a Class A "(off-sale)" license is deleted as unnecessary because all Class A licenses are off-sale licenses.

In subsection (b)(3)(ii) of this section, the reference to "at least" 15% interest in the limited liability company is added for clarity.

In subsection (b)(4) of this section, the former reference to the "qualifying" corporation is deleted as surplusage.

In subsection (b)(6) of this section, the former reference to "data" is deleted as included in the reference to "information".

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements that an applicant reside in the State in subsections (a)(1) and (b)(3)(i) of this section may violate the equal protection guarantees of the Fourteenth Amendment to the United States

Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Board” § 27–101  
“County” § 27–101  
“License” § 1–101  
“State” § 1–101

#### **27–1404. REQUIRED STATEMENT.**

**AN APPLICANT FOR A LICENSE SHALL:**

- (1) INCLUDE A STATEMENT IN THE APPLICATION THAT THE APPLICANT IS AT LEAST 21 YEARS OLD; AND**
- (2) SUBMIT AN AFFIDAVIT VERIFYING THE APPLICATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(s).

Defined term: “License” § 1–101

#### **27–1405. SIX– AND TWELVE–MONTH LICENSES.**

**(A) TERM OF LICENSES.**

- (1) ALL LICENSES SHALL BE ISSUED FOR 6 OR 12 MONTHS.**
- (2) THE TERM OF A 6–MONTH LICENSE BEGINS ON NOVEMBER 1.**
- (3) THE TERM OF A 12–MONTH LICENSE BEGINS ON MAY 1.**

**(B) FEE FOR 6–MONTH LICENSE.**

**THE FEE FOR A 6–MONTH LICENSE IS HALF OF THE ANNUAL FEE.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10–207(b).

In subsection (a) of this section, the former phrase “for no other periods of time” is deleted as surplusage.

Also in subsection (a) of this section, the former phrases “in the year of their issue” are deleted as surplusage.

Defined term: “License” § 1–101

#### **27–1406. REFUND IN CASES OF HARDSHIP.**

**IN CASES OF HARDSHIP, THE BOARD MAY REFUND A PORTION OF THE FEE FOR A LICENSE IT HAS ISSUED.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 10–207(b).

The former reference to “undue” hardship is deleted as surplusage.

Defined term: “Board” § 27–101

### **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

#### **27–1501. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (3) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (4) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);**
- (5) § 4–209 (“HEARING”);**
- (6) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**
- (7) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (8) § 4–212 (“LICENSE NOT PROPERTY”);**
- (9) § 4–213 (“REPLACEMENT LICENSES”); AND**

**(10) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 27-1502 OF THIS SUBTITLE;**

**(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 27-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND**

**(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 27-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 27-101

“License” § 1-101

“Local licensing board” § 1-101

**27-1502. AUTHORITY OF BOARD — PROHIBITED ISSUANCE OF LICENSE.**

**THE BOARD MAY NOT ISSUE A CLASS A BEER, WINE, AND LIQUOR LICENSE TO A PERSON OR ON BEHALF OF A FIRM OR CORPORATION THAT HAS BEEN CONVICTED OF A VIOLATION OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(j).

The reference to “[t]he Board” is added for clarity.

Defined terms: “Beer” § 1-101

“Board” § 27-101

“License” § 1-101

“Person” § 1-101

“Wine” § 1-101

**27-1503. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to "Class D beer or Class D beer and wine licenses" is substituted for the former reference to licenses issued "[u]nder § 3-401 or § 5-401 of this article" for clarity.

In item (2) of this section, the former reference to the premises "operated as" a bowling establishment is deleted as surplusage.

Defined terms: "Beer" § 1-101

"License" § 1-101

"Wine" § 1-101

**27-1504. CLASS B LICENSE FILING REQUIREMENTS.**

**(A) INITIAL STATEMENT AS TO GROSS RECEIPTS FROM FOOD SALES.**

**(1) BEFORE A CLASS B LICENSE OF ANY TYPE MAY BE ISSUED, THE APPLICANT SHALL ATTEST IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM FOOD SALES IN THE RESTAURANT WILL BE MORE THAN THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(2) IF THE LICENSE HOLDER FAILS TO MAINTAIN MORE GROSS RECEIPTS FROM THE SALE OF FOOD THAN GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR A 6-MONTH PERIOD, THE BOARD MAY REVOKE THE LICENSE.**

**(B) STATEMENT ON GROSS RECEIPTS FROM FOOD SALES.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER OF A CLASS B LICENSE OF ANY TYPE SHALL FILE WITH THE BOARD A**

SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES IN THE RESTAURANT FOR THE 6-MONTH PERIOD IMMEDIATELY BEFORE THE FILING OF THE REPORT ARE MORE THAN THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

**(2) THE BOARD MAY REQUIRE A LICENSE HOLDER TO PROVIDE:**

**(I) THE SWORN STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION AT LEAST BIANNUALLY, ON DATES TO BE SET BY THE BOARD; AND**

**(II) SUPPORTING DATA TO ESTABLISH THAT THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION HAVE BEEN MET.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-218(c) and (d).

In subsection (a)(2) of this section, the reference to the "license holder" is substituted for the former reference to a "Class B licensee of any type" for clarity and brevity.

Also in subsection (a)(2) of this section, the former phrase "in [the Board's] discretion" is deleted as surplusage.

In the introductory language of subsection (b)(2) of this section, the clause "[t]he Board may require" is substituted for the former clause "[h]owever, nothing prohibits the Board of License Commissioners from requiring" for clarity and brevity.

In subsection (b)(2)(i) of this section, the reference to requiring sworn statements "at least" biannually is substituted for the former reference to the requirement to file them "biannually" and to the authority of the Board to require "more frequent" sworn statements for brevity.

In subsection (b)(2)(ii) of this section, the former reference to supporting data "as [the Board], in its discretion, considers necessary in order" to establish that the requirements of paragraph (1) of this subsection "relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages" have been met is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 27-101

"License" § 1-101

"License holder" § 1-101

**27-1505. ISSUANCE OF LICENSE BEFORE COMPLETION OF ESTABLISHMENT.**

**THE BOARD MAY:**

**(1) GIVE TENTATIVE APPROVAL TO ISSUING A LICENSE FOR AN ESTABLISHMENT THAT IS NOT COMPLETED, BASED ON PLANS AND SPECIFICATIONS THAT ACCOMPANY THE APPLICATION; AND**

**(2) ISSUE THE LICENSE WHEN THE CONSTRUCTION IS COMPLETED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-218(a).

In item (1) of this section, the word "establishment" is substituted for the former word "building" to conform to the terminology used throughout this article.

Also in item (1) of this section, the former reference to an "application for a license is made" is deleted as implicit in the reference to "giv[ing] tentative approval to issuing a license".

Defined terms: "Board" § 27-101

"License" § 1-101

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.****PART I. LICENSING CONDITIONS.**

**27-1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP, SCHOOL, LIBRARY, OR YOUTH CENTER.**

**(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT UNLESS THE ESTABLISHMENT IS LOCATED AT LEAST 500 FEET AWAY FROM:**

**(I) A PLACE OF WORSHIP;**

**(II) AN ELEMENTARY OR SECONDARY SCHOOL;**

**(III) A PUBLIC LIBRARY; OR**



**(IV) A YOUTH CENTER SPONSORED OR CONDUCTED BY A GOVERNMENTAL UNIT.**

**(2) THE DISTANCE IS TO BE MEASURED FROM THE NEAREST POINT OF THE BUILDING OF THE ESTABLISHMENT TO THE NEAREST POINT OF THE PROPERTY LINE OF THE PLACE OF WORSHIP, ELEMENTARY OR SECONDARY SCHOOL, PUBLIC LIBRARY, OR YOUTH CENTER.**

**(B) EXCEPTIONS.**

**THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

**(1) THE RENEWAL OR TRANSFER OF A LICENSE ISSUED BEFORE MAY 1, 1976; OR**

**(2) THE ISSUANCE OF A CLASS B (ON-SALE) HOTEL AND RESTAURANT LICENSE OF ANY TYPE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-218(b) and (c).

In the introductory language of subsection (a)(1) of this section, the reference to the "Board" is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an establishment "proposed for licensure" is deleted as surplusage. Similarly, in subsection (a)(2) of this section, the former reference to an establishment "for which a license is proposed" is deleted.

In subsection (a)(1)(i) of this section, the former reference to a "church" is deleted as included in the reference to a "place of worship".

In subsection (b) of this section, the former reference to certain provisions not "affect[ing] or prohibit[ing], in any manner" the renewal or transfer of a certain license is deleted as included in the reference to certain provisions not "apply[ing] to" the renewal or transfer of a certain license.

In subsection (b)(2) of this section, the reference to a certain prohibition not applying to "the issuance of" a specified license is substituted for the former reference to the prohibition not applying to "an establishment for which" a specified license "is proposed" for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the distance restriction established under former Art. 2B, § 9–218(b), revised in subsection (a)(1)(ii) of this section, applies only to an elementary or a secondary school, and not to a middle school.

Defined terms: “Board” § 27–101  
“License” § 1–101

**27–1602. RESERVED.**

**27–1603. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**27–1604. RESERVED.**

### **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**27–1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”);**

**(2) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**(3) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**

**(4) § 4–305 (“FILING FEE AND ENDORSEMENT”).**

**(B) VARIATION.**

**SECTION 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 27–1702 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 2B, § 10–503(s).

Subsection (b) of this section is new language added to incorporate by reference general provisions relating to the substitution of the names of officers on licenses.

Defined terms: “County” § 27–101

“License” § 1–101

**27–1702. CLASS C LICENSE — SUBSTITUTION OF NAMES.**

**(A) CONDITIONS FOR SUBSTITUTION.**

**FOR A CLASS C LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

- (1) HAS DIED;**
- (2) HAS RETIRED; OR**
- (3) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

**(B) AFFIDAVIT REQUIRED.**

**THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT CONTAINS:**

- (1) THE SUBSTITUTION OF THE OFFICER; AND**
- (2) AN EXPLANATION FOR THE SUBSTITUTION.**

**(C) AMENDMENT OF RECORDS AND ISSUANCE OF CORRECTED LICENSE.**

**ON RECEIPT OF THE AFFIDAVIT, THE BOARD SHALL:**

- (1) AMEND ITS RECORD; AND**
- (2) ISSUE A CORRECTED LICENSE.**

**REVISOR’S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 10–301(p).

In subsection (a) of this section, the former reference to an officer who has “been removed from office” is deleted as included in the reference to an officer who “no longer holds an office in the corporation or club”.

In the introductory language of subsection (a) of this section, the reference to “any officer who” is substituted for the former reference to “the deleted officer” for clarity.

Also in the introductory language of subsection (a) of this section, the former phrase “during the license year” is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former phrase “notwithstanding any other provision of this article to the contrary” is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to “officers” is deleted in light of the reference to “officer” and GP § 1–202, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the reference to a “corrected license” is substituted for the former reference to a “new license in corrected form” for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the provisions in former Art. 2B, § 10–301(p) revised in this section were identical to the general provisions revised in § 4–306 of this article, except that § 10–301(p) applied only to a corporation or club holding a Class C license while the general provisions apply to a corporation or club holding any license. The general provisions have additional requirements that the affidavit contain a statement that the ownership of the corporation has not changed and that the Board must determine that the applicant qualifies for the license. It is not clear whether the general provisions were to apply in Queen Anne’s County or whether this section is to supersede the general provisions.

Defined terms: “Board” § 27–101

“Club” § 1–101

“License” § 1–101

“License holder” § 1–101

## **SUBTITLE 18. RENEWAL OF LICENSES.**

### **27–1801. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 27–101  
 “License” § 1–101

### **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

#### **27–1901. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4–505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4–507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4–508 (“DISPLAY OF LICENSE”).**

##### **(B) VARIATION.**

**SECTION 4–504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 27–1902 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 27–101  
 “License” § 1–101  
 “License holder” § 1–101

#### **27–1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

##### **(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES TO THE HOLDER OF:**

- (1) A CLASS A (OFF-SALE) LICENSE;**
- (2) A CLASS B (ON-SALE) LICENSE; OR**
- (3) A CLASS C (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT BE EMPLOYED TO SELL, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES.**

**(2) AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY BE EMPLOYED TO:**

**(I) STOCK ALCOHOLIC BEVERAGES IN A PREMISES FOR WHICH A CLASS A LICENSE IS ISSUED;**

**(II) SERVE ALCOHOLIC BEVERAGES WHILE ACTING AS A SERVER ON THE LICENSED PREMISES OTHER THAN A PREMISES FOR WHICH A CLASS A LICENSE IS ISSUED; AND**

**(III) OPERATE A LOTTERY TICKET TERMINAL IN A PREMISES FOR WHICH A CLASS A LICENSE IS ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(c)(1), (2), and, as it related to Queen Anne's County, (3).

Throughout this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

In the introductory language of subsection (a) of this section, the former phrase "[n]otwithstanding any other provision of law" is deleted as surplusage.

In subsection (b)(2) of this section, the references to a "premises for which a Class A license is issued" are substituted for former references to a "Class A establishment" for clarity.

In subsection (b)(2)(ii) of this section, the reference to a "server" is substituted for the former reference to a "waiter or waitress" for brevity.

Former Art. 2B, § 12–302(b)(11), which stated that former Art. 2B, § 12–302(c) applied in Queen Anne’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Off–sale” § 1–101

“On–sale” § 1–101

“Wine” § 1–101

## **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

### **27–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

#### **(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

#### **(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Queen Anne’s County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any

license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

## **27–2002. BEER LICENSES.**

### **(A) CLASS A BEER LICENSE.**

#### **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

**AND**

**(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

### **(B) CLASS B BEER LICENSE.**

#### **A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

**AND**



(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.

(C) CLASS C BEER LICENSE.

A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER:

(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;  
AND

(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.

(D) CLASS D BEER LICENSE.

A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:

(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;  
AND

(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-518, 8-218(b), 11-301(a)(1), (b)(1), (c)(1), and (d)(1), and 11-403(a)(1)(ii) and (b)(2)(v).

In this section, the references to a specific class of beer license are substituted for the former references to "all classes of retail alcoholic beverages licenses in Queen Anne's County" for clarity.

Also in this section, the former references to "[t]he hours during which" license privileges may be exercised are deleted as unnecessary.

In subsections (a)(2), (b)(2), (c)(2), and (d)(2) of this section, the references to "midnight" are substituted for the former references to "the closing hour permitted by that class of license during any other day of the week" for clarity, as midnight is the closing hour for all classes of beer licenses in the County.

In subsections (b) and (c) of this section, the references to the defined term "beer" are substituted for the former references to "alcoholic beverages" for clarity.

Defined term: "Beer" § 1-101

## 27-2003. BEER AND WINE LICENSES.

(A) CLASS A BEER AND WINE LICENSE.

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

- AND**
- (1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**
  - (2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**
- (B) CLASS B BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

- AND**
- (1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**
  - (2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**
- (C) CLASS C BEER AND WINE LICENSE.**

**RESERVED.**

**(D) CLASS D BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

- AND**
- (1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**
  - (2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 2B, §§ 11–518, 8–218(b), 11–302(a)(1), (b)(1), and (d)(1), and 11–403(a)(1)(ii) and (b)(2)(v).

In this section, references to a “beer and wine license” are substituted for the former references to a “beer and light wine license” to avoid confusion. In former Art. 2B, § 4–101(s), “light wine” was defined in the County as a fermented beverage containing up to 22% of alcohol by volume – a maximum amount sufficient to include fortified wines, thus rendering meaningless the traditional division of wines into light wines and fortified wines.

Also in this section, the references to a specific class of beer license are substituted for the former references to “all classes of retail alcoholic beverages licenses in Queen Anne’s County” for clarity.

Also in this section, the former phrase “[t]he hours during which” license privileges may be exercised is deleted as unnecessary.

In the introductory language of subsection (b) of this section, the reference to “beer and wine” is substituted for the former reference to “alcoholic beverages” for clarity.

Defined term: “Beer” § 1–101

#### **27–2004. BEER, WINE, AND LIQUOR LICENSES.**

##### **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**  
**AND**

**(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

##### **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

##### **(C) CLASS B–D BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS B–D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

##### **(D) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(E) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–518, 8–218(b), 11–303(a)(1), (b)(1), (c)(1), and (d)(5), and 11–403(a)(1)(ii) and (b)(2)(v).

In this section, the references to a specific class of beer license are substituted for the former references to “all classes of retail alcoholic beverages licenses in Queen Anne’s County” for clarity.

Also in this section, the former phrase “[t]he hours during which” license privileges may be exercised is deleted as unnecessary.

In subsections (b) and (c) of this section, the references to “beer, wine, and liquor” are substituted for the former references to “alcoholic beverages” for clarity.

Former Art. 2B, § 6–201(s)(1), which stated that former Art. 2B, § 6–201(s) applied only in Queen Anne’s County, is deleted in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**27–2005. HOURS ON JANUARY 1.**

**ON JANUARY 1, A HOLDER OF A LICENSE WITH AN ON-SALE PRIVILEGE MAY SELL ALCOHOLIC BEVERAGES AUTHORIZED BY THE LICENSE FOR ON-PREMISES CONSUMPTION AT ANY TIME.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(s)(2).

The phrase "for on-premises consumption" is added for clarity.

The former reference to prohibiting this article to "be construed to require any holder of an on-sale license to close that establishment at any time on January 1 of any year" is deleted as redundant of this section.

The former phrase "of any year" is deleted as surplusage.

Former Art. 2B, § 11-402(s)(1), which stated that former Art. 2B, § 11-402(s) applied only in Queen Anne's County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the practice in Queen Anne's County is to allow a license holder to be open on New Year's Day at the same times the license holder is permitted to be open on the day of the week on which January 1 falls. Therefore, in practice this provision has been construed to mean that an establishment cannot be required to close on New Year's Day, but the rest of the article controls the time an establishment can be open on New Year's Day. This provision has not been construed to mean that an establishment can be open for 24 hours on January 1.

Defined terms: "Alcoholic beverage" § 1-101

"License" § 1-101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **27-2101. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 6 ("REVOCATION AND SUSPENSION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(14), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Queen Anne's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 27–101  
“License” § 1–101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **27–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 27–101  
“License” § 1–101

## **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

### **27–2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 27–101  
“License holder” § 1–101

## **SUBTITLE 24. JUDICIAL REVIEW.**

### **27–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 27–101

## **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

### **27–2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

**(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT ENTERTAINMENT THAT:**

**(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

**(2) ALLOWS AT ITS LOCATION ANY FORM OF SEXUAL DISPLAY OR ATTIRE PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20-108.2(a), (c), and (d).

In the introductory language of subsection (a) of this section, the former reference to "dispense" is deleted as included in the reference to "serve".

In subsection (a)(2) of this section, the reference to "location" is substituted for the former reference to "premises" to avoid implication that the establishment is licensed.

Former Art. 2B, § 20-108.2(b), which provided that former Art. 2B, § 20-108.2 applied only in Queen Anne's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"License" § 1-101

"Person" § 1-101

**27–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsections (a)(1) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a



statutory minimum penalty, a court may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 27–2501 of this subtitle, a person who operates an unlicensed business establishment who knowingly allows a customer to bring alcoholic beverages for consumption into the establishment is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both, while under this section, an owner or a manager of an unlicensed establishment who allows the consumption of alcoholic beverages in the establishment is subject only to a fine not exceeding \$50.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

## **SUBTITLE 26. ENFORCEMENT.**

### **27–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 6–202 (“INSPECTIONS”);**

**(2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**

**(3) § 6–204 (“POWER TO SUMMON WITNESSES”);**

**(4) § 6–205 (“PEACE OFFICERS”);**

**(5) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”); AND**

**(6) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”).**

#### **(B) EXCEPTION.**

**SECTION 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”), IN ADDITION TO § 27–2608 OF THIS SUBTITLE;**

**(2) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”), IN ADDITION TO § 27–2609 OF THIS SUBTITLE; AND**

**(3) § 6–211 (“FINES AND FORFEITURES”), SUBJECT TO §§ 27–2614 AND 27–2615 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to enforcement.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 19–103(b)(2).

Defined terms: “Alcoholic beverage” § 1–101

“County” § 27–101

“State” § 1–101

**27–2602. LEGISLATIVE INTENT; CONSTRUCTION OF SUBTITLE.**

**(A) LEGISLATIVE INTENT.**

**THE INTENTION OF THIS SUBTITLE IS TO PREVENT THE EVASION AND VIOLATION OF ALCOHOLIC BEVERAGES LAWS IN THE COUNTY.**

**(B) LIBERAL CONSTRUCTION.**

**THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO CARRY OUT THIS PURPOSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first clause of former Art. 2B, § 16–414(o).

Throughout this section, the reference to “subtitle” is substituted for the former reference to “section” to conform to the organization of this revised article.

In subsection (a) of this section, the former reference to “effectually” prevent the violation of alcoholic beverages laws is deleted as surplusage.

Also in subsection (a) of this section, the former reference to “suppress” is deleted as included in the reference to “prevent”.

In subsection (b) of this section, the former reference to “interpreted” is deleted as included in the reference to “construed”.

The first clause of former Art. 2B, § 16–414(q), which stated that former Art. 2B, § 16–414 applied in Queen Anne’s County, is deleted in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 27–101

### **27–2603. APPLICATION OF SUBTITLE.**

**THIS SUBTITLE DOES NOT APPLY TO A SHIPMENT BY A COMMON CARRIER IF THE COMMON CARRIER HAS NO KNOWLEDGE THAT THE SHIPMENT CONTAINS ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second clause of former Art. 2B, § 16–414(o).

The former reference to a common carrier “operating under the Interstate Commerce Act” is deleted as surplusage.

Defined term: “Alcoholic beverage” § 1–101

### **27–2604. SEARCH WARRANTS.**

#### **(A) ISSUANCE OF WARRANT.**

**A JUDGE IN THE DISTRICT COURT MAY ISSUE A SEARCH WARRANT IF A POLICE OFFICER OR ANY OTHER APPLICANT FILES A COMPLAINT OR AN AFFIDAVIT THAT:**

- (1) IS SWORN TO BY THE APPLICANT;**
- (2) DESCRIBES WITH PARTICULARITY THE PLACE OR THING TO BE SEARCHED;**
- (3) DESCRIBES WITH PARTICULARITY THE THINGS TO BE SEARCHED FOR; AND**

(4) STATES THAT THE APPLICANT HAS REASON TO BELIEVE THAT ALCOHOLIC BEVERAGES ARE SOLD OR KEPT TO BE SOLD OR OTHERWISE DISPOSED OF IN VIOLATION OF LAW.

(B) CONTENTS; REQUIREMENTS.

A WARRANT ISSUED UNDER THIS SECTION SHALL:

(1) BE DIRECTED TO THE SHERIFF, DEPUTY SHERIFF, OR PROPER POLICE OFFICER;

(2) INCLUDE A COPY OF THE AFFIDAVIT;

(3) REQUIRE THE OFFICER TO WHOM THE WARRANT IS DIRECTED TO SEARCH THE PLACE OR THING DESCRIBED IN THE WARRANT AND SEIZE ANY:

(I) ALCOHOLIC BEVERAGES FOUND IN QUANTITIES THAT SUGGEST THAT THEY ARE BEING KEPT FOR SALE;

(II) MEANS TO SELL ALCOHOLIC BEVERAGES, INCLUDING FURNITURE, IMPLEMENTS, AND EQUIPMENT;

(III) PARAPHERNALIA OF A BARROOM OR SALOON THAT SELLS ALCOHOLIC BEVERAGES; AND

(IV) UNITED STATES INTERNAL REVENUE TAX RECEIPTS FOR THE SALE OF ALCOHOLIC BEVERAGES DATED DURING THE TIME OF THE ALLEGED OFFENSE; AND

(4) REQUIRE THE OFFICER TO REPORT IN WRITING ON THE SEARCH AND MAKE AN IMMEDIATE RETURN ON THE WARRANT.

(C) FORM OF AFFIDAVIT, WARRANT, AND REPORT AND RETURN.

AN AFFIDAVIT, A WARRANT FOR SEARCH, AND A REPORT AND RETURN SHALL BE SUBSTANTIALLY IN THE FOLLOWING FORM:

STATE OF MARYLAND, QUEEN ANNE’S COUNTY, TO WIT:

TO: ....., OF QUEEN ANNE’S COUNTY:

GREETINGS: WHEREAS, THERE HAS BEEN FILED WITH THE UNDERSIGNED AN AFFIDAVIT, OF WHICH THE FOLLOWING IS A COPY, TO WIT: WHEREAS ON THIS .... DAY OF ....., 20.., BEFORE THE SUBSCRIBER, .... IN AND FOR SAID COUNTY, PERSONALLY APPEARED ....., AND MADE COMPLAINT AND OATH THAT THE APPLICANT HAS JUST

AND REASONABLE CAUSE TO SUSPECT AND BELIEVE AND DOES SUSPECT AND BELIEVE THAT INTOXICATING LIQUOR IS SOLD, OR EXCEPT FOR THE PURPOSE OF BEING SOLD OR OTHERWISE DISPOSED OF IN VIOLATION OF THE LAW IN THE .... OF .... AT, IN .... OF SAID COUNTY, AND THAT IN AND UPON SAID PREMISES AND AT SAID PLACE AND HOUSE WILL BE FOUND UPON SEARCH THEREOF, THE FOLLOWING:

INTOXICATING LIQUORS, AND THE VESSELS AND BOTTLES IN WHICH THE SAME ARE CONTAINED, AND BARROOM, AND DRINKING SALOON PARAPHERNALIA, AND THE UNITED STATES INTERNAL REVENUE TAX RECEIPT FOR SALE OF INTOXICATING LIQUOR AT THIS TIME EFFECTIVE (AND ANY OTHER FACTS MATERIAL):

THESE ARE THEREFORE, IN THE NAME OF THE STATE OF MARYLAND, TO COMMAND YOU, TOGETHER WITH THE NECESSARY AND PROPER ASSISTANCE, TO ENTER INTO THE SAID .... OF THE SAID .... AT, IN .... IN THE COUNTY AFORESAID, AND THERE DILIGENTLY SEARCH FOR THE SAID INTOXICATING LIQUOR AND MEANS USED FOR THE SALE OF SAME, OR ANY PART THEREOF AS DESCRIBED IN THE AFOREGOING AFFIDAVIT OF COMPLAINT, AND THAT YOU BRING THE SAME, OR ANY PART THEREOF, FOUND IN SUCH SEARCH, AND THE PERSON OR PERSONS IN WHOSE CUSTODY THEY ARE FOUND FORTHWITH BEFORE ME TO BE DISPOSED OF AND DEALT WITH ACCORDING TO LAW; AND HAVE YOU THERE THIS WARRANT.

GIVEN UNDER MY HAND THIS .... DAY OF ....., 20...

.....  
JUDGE OF THE DISTRICT COURT

**REPORT AND RETURN**

TO HON. ...., JUDGE OF THE DISTRICT COURT IN QUEEN ANNE’S COUNTY.

THIS RETURN AND REPORT, MADE THIS .... DAY OF ....., 20.., IS TO CERTIFY, THAT PURSUANT AND IN OBEDIENCE TO THE COMMANDS OF THE ANNEXED WARRANT TO ME DIRECTED, I DID ON THE .... DAY OF ....., 20.., ENTER AND SEARCH THE PLACE, HOUSE AND PREMISES DESCRIBED IN SAID WARRANT AND FOUND AND SEIZED THE FOLLOWING, TO WIT: (HERE SET FORTH WHAT WAS FOUND AND SEIZED), AND DO FORTHWITH BRING THE SAME, AND ONE .... THE PERSON IN WHOSE CUSTODY THE SAME WERE FOUND BEFORE YOU.

.....  
(PERSON SERVING WARRANT)

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(b).

In subsection (a) of this section, the former reference to a judge in the District Court “in the county” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to a “house, store, boat, motor vehicle, [or] aeroplane” is deleted as included in the reference to a “place”.

Also in subsection (a) of this section, the former phrase “does believe” is deleted in light of the reference to “has reason to believe”.

Also in subsection (a) of this section, the former reference to disposition “contrary to law” is deleted in light of the phrase “in violation of law”.

Also in subsection (a) of this section, the former reference to a judge issuing a warrant “to serve criminal process” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to the affidavit “inserted therein, or annexed and referred to” is deleted as surplusage.

Also in subsection (b)(2) of this section, the former requirement that the warrant “particularly describe the thing to be searched for and the place, house, or thing to be searched” is deleted as duplicative of the contents of the affidavit under subsection (a) of this section.

In the introductory language of subsection (b)(3) of this section, the former references to the “premises”, “house”, and “appurtenances thereof” are deleted as included in the reference to the “place or thing”.

In subsection (b)(3)(iii) of this section, the former reference to “part of the paraphernalia” is deleted in light of the reference to the “paraphernalia”.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section, the meaning of the phrase “except for the purpose of being sold or otherwise disposed of in violation of the law” is unclear.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 27–101

“Person” § 1–101

#### **27–2605. APPLICANT MAY ASSIST IN EXECUTION OF WARRANT.**

**AN APPLICANT FOR A WARRANT UNDER THIS SUBTITLE OR AN AGENT OF THE APPLICANT MAY:**

- (1) ACCOMPANY THE OFFICER WHO SERVES THE WARRANT;**
- (2) POINT OUT AND ENTER THE PLACE OR THING TO BE SEARCHED;**
- (3) ASSIST THE OFFICER IN SEARCHING THE PLACE OR THING.**

**AND**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(g).

In the introductory language of this section, the reference to an “applicant” for a warrant is substituted for the former reference to the “person making affidavit” for a warrant for brevity.

Also in the introductory language of this section, the former reference to a warrant to search “any place or thing where intoxicating liquor is believed to be disposed of, kept, stored, deposited, hidden, secreted, handled or furnished contrary to this section” is deleted as included in the reference to a warrant “under this subtitle”.

In item (3) of this section, the reference to “assist” is substituted for the former reference to “give information and assistance” for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that item (3) of this section, which authorizes a private citizen to assist an officer in a search of a place or thing alleged to be involved in the illegal sale of alcoholic beverages, could result in a constitutional violation if the person’s actions are not limited to assisting the officer in the execution of the warrant.

**27–2606. SEARCH OF RESIDENCE PROHIBITED; EXCEPTION.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A WARRANT MAY NOT BE ISSUED TO SEARCH A RESIDENCE UNLESS:**

- (1) THE RESIDENCE OR PART OF THE RESIDENCE IS USED AS A STORE, HOTEL, RESTAURANT, OR BOARDING HOUSE;**
- (2) THE RESIDENCE IS USED AS A PUBLIC RESORT; OR**
- (3) THE RESIDENCE IS USED TO KEEP, HIDE, OR PROVIDE ALCOHOLIC BEVERAGES TO SELL OR FOR ANOTHER USE THAT VIOLATES THE LAW.**

**(B) ISSUANCE BY JUDICIAL DISCRETION.**

**A JUDGE OF THE DISTRICT COURT MAY ISSUE A WARRANT AFTER DETERMINING THAT THE ISSUANCE WOULD BE PROPER, BASED ON AN EXAMINATION OF:**

- (1) THE APPLICANT FOR THE WARRANT; OR**

**(2) OTHER EVIDENCE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(f).

In the introductory language of subsection (a) of this section, the former reference to a residence “accepted as such” is deleted as surplusage.

In subsection (a)(2) of this section the former reference to a “place of” public resort is deleted as surplusage.

In subsection (a)(3) of this section, the former references to “stor[e]”, “secret[e]”, “furnis[h]”, and “handl[e]” are deleted as included in the reference to “keep, hide, or provide”.

Also in subsection (a)(3) of this section, the reference to “violates the law” is substituted for the former reference to “contrary to this subtitle or contrary to law” for brevity.

In the introductory language of subsection (b) of this section, the reference to a judge of the District Court “determining” that the issuance of the warrant would be proper is substituted for the former reference to the judge “deem[ing] it” proper to issue the warrant, for brevity.

Also in the introductory language of subsection (b) of this section, the former phrase “in his discretion” is deleted in light of the reference to “may”.

Also in the introductory language of subsection (b) of this section, the former reference to a warrant “as hereinabove provided, for the searching of such a residence” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “applicant for the warrant” is substituted for the former reference to “the party making the oath” to conform to the terminology of this subtitle.

In subsection (b)(2) of this section, the reference to “other evidence” is substituted for the former reference to “such other proof as may be produced” for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

**27–2607. WHEN POSTING OF COPY OF WARRANT IS REQUIRED.**



**IF AN OWNER OR OPERATOR OF THE ESTABLISHMENT OR THING FROM WHICH ALCOHOLIC BEVERAGES OR OTHER ITEMS ARE SEIZED CANNOT BE SERVED UNDER THIS SUBTITLE, THE OFFICER SEIZING THE ITEMS SHALL:**

**(1) POST A COPY OF THE WARRANT IN A CONSPICUOUS LOCATION AT THE PLACE SEARCHED OR AT OR NEAR THE THING SEARCHED; AND**

**(2) HOLD THE ITEMS SUBJECT TO THE ORDER OF THE COURT AND MAKE RETURN OF THAT ACTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16-414(e).

In the introductory language of this section, the phrase "from which alcoholic beverages or other items are seized" is substituted for the former phrase "where intoxicating liquor may be found" for clarity.

Also in the introductory language of this section, the phrase "[i]f an owner or operator of the establishment or thing from which alcoholic beverages or other items are seized cannot be served" is substituted for the former phrase "[i]f no one is found in possession of the premises, place, or thing where intoxicating liquor may be found" for clarity.

Also in the introductory language of this section, the reference to the officer "seizing the items" is substituted for the former reference to the officer "taking the same" for clarity.

In item (2) of this section, the reference to "that action" is substituted for the former reference to "his doing thereto" for clarity.

Also in item (2) of this section, the former phrase "take possession of such liquor and means used for the sale of the same" is deleted as surplusage.

Defined term: "Alcoholic beverage" § 1-101

## **27-2608. REQUIREMENTS FOR PROSECUTION.**

**IN A PROSECUTION UNDER THIS TITLE:**

**(1) IT IS NOT NECESSARY TO:**

**(1) DESCRIBE THE PLACE WHERE THE ALCOHOLIC BEVERAGE IS SOLD OR HANDLED;**

(II) SHOW KNOWLEDGE ON THE PART OF THE PRINCIPAL TO CONVICT FOR THE ACTS OF THE AGENT; OR

(III) STATE THE NAME OF ANY PERSON TO WHOM THE ALCOHOLIC BEVERAGE IS SOLD; BUT

(2) IT IS SUFFICIENT TO STATE THAT THE VIOLATION CHARGED TOOK PLACE IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16–414(c)(2).

In the introductory language of this section, the former reference to a prosecution “by charge, indictment or otherwise” is deleted as surplusage.

In item (1)(i) of this section, the former reference to “involved” is deleted as included in the reference to “sold or handled”.

In item (1)(ii) of this section, the former reference to a “servant” is deleted as included in the reference to an “agent”.

The former provision stating that it shall “not be necessary to state the kind of liquor sold, handled or involved” is deleted as redundant of § 6–206 of this article.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 27–101

“Person” § 1–101

#### **27–2609. RECEIPT IS PRIMA FACIE EVIDENCE OF SALE.**

**IN A PROSECUTION UNDER THIS ARTICLE, THE ISSUANCE OF A RECEIPT ISSUED BY THE UNITED STATES IN THE COUNTY TO A PERSON AS A WHOLESALER OR RETAIL DEALER IN ALCOHOLIC BEVERAGES OR MALT LIQUOR IS PRIMA FACIE EVIDENCE OF THE SALE OF THE CLASS OF ALCOHOLIC BEVERAGES OR MALT LIQUOR AUTHORIZED TO BE SOLD UNDER THE RECEIPT:**

(1) BY THE PERSON;

(2) IN THE COUNTY OR A PLACE OF BUSINESS OF THE PERSON WHERE THE RECEIPT IS POSTED; AND

(3) AT THE TIME CHARGED IN A SUIT OR PROSECUTION UNDER THIS ARTICLE, IF THE TIME IS WITHIN THE LIFE OF THE RECEIPT.

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 16-414(c)(2).

The former reference to an "internal revenue special tax stamp" is deleted as obsolete.

The former phrase "at any place" in the County is deleted as surplusage.

The former statement that the paragraph applies only in Queen Anne's County is deleted as unnecessary in light of the organization of this article.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 27-101

"Person" § 1-101

"Retail dealer" § 1-101

"Wholesaler" § 1-101

## **27-2610. ITEMS SEIZED AS EVIDENCE.**

### **(A) IN GENERAL.**

**ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC BEVERAGES THAT ARE SEIZED SHALL BE HELD SUBJECT TO THE ORDER OF THE COURT TO BE USED AS EVIDENCE IN THE PROSECUTION OF A VIOLATION OF THIS ARTICLE.**

### **(B) PRIMA FACIE EVIDENCE.**

**PRIMA FACIE EVIDENCE OF THE VIOLATION OF THIS ARTICLE INCLUDES:**

**(1) ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC BEVERAGES;**

**(2) THE MEANS OR MATERIALS TO MANUFACTURE, TRANSPORT, OR DISPOSE OF THE ALCOHOLIC BEVERAGES; AND**

**(3) THE PARAPHERNALIA OF A BARROOM OR SALOON.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16-414(c)(1).

In subsection (a) of this section, the reference to "items used to sell alcoholic beverages" is substituted for the former reference to "means used for the sale of the same" for clarity.

Also in subsection (a) of this section, the former phrase “of any case” is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to “this article” is substituted for the former reference to “this subtitle” to conform to the terminology used in subsection (a) of this section.

In subsection (b)(2) of this section, the former reference to “instrumentalities” is deleted as included in the reference to “materials”.

Also in subsection (b)(2) of this section, the former reference to “dispens[e], handl[e]” is deleted in light of the reference to “dispose”.

Also in subsection (b)(2) of this section, the former reference to a violation of this article “as charged or presented” is deleted as surplusage.

In subsection (b)(3) of this section, the former reference to “part of the paraphernalia” is deleted in light of the reference to “paraphernalia”.

The second sentence of former Art. 2B, § 16–414(c)(1), which stated that fluids poured out or otherwise destroyed when the premises, place, or thing are searched or about to be searched are to be held prima facie to be intoxicating liquor and intended for sale in violation of this article, is deleted as duplicative of § 1–809(b) of this article.

Defined term: “Alcoholic beverage” § 1–101

## **27–2611. SCHEDULING OF TRIAL.**

### **(A) WITHIN 30 DAYS AFTER SEIZURE.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF ALCOHOLIC BEVERAGES ARE SEIZED AND INTENDED TO BE USED AS EVIDENCE IN A PROSECUTION UNDER THIS ARTICLE, THE TRIAL MUST TAKE PLACE WITHIN 30 DAYS AFTER THE START OF THE PROSECUTION.**

### **(B) 15–DAY POSTPONEMENT.**

**THE TRIAL MAY BE POSTPONED NOT MORE THAN 15 DAYS BEYOND THE 30–DAY PERIOD:**

**(1) IF AT THE TIME FOR TRIAL, A RETURN HAS NOT BEEN PROPERLY MADE; OR**

**(2) FOR OTHER SUFFICIENT CAUSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-414(i).

In subsection (a) of this section, the former references to the court being "in session", "not in session", and "next in session" are deleted as obsolete because in practice courts are continuously in session.

Defined term: "Alcoholic beverage" § 1-101

## **27-2612. NOTICE OF HEARING.**

### **(A) POSTING NEAR PLACE OR LOCATION OF THING SEARCHED.**

**(1) AFTER SCHEDULING A HEARING TO DETERMINE THE PURPOSE FOR WHICH THE ALCOHOLIC BEVERAGES ARE KEPT, THE COURT SHALL ISSUE A HEARING NOTICE TO THE OFFICER WHO CARRIED OUT THE SEARCH.**

**(2) ON RECEIPT OF THE NOTICE, THE OFFICER SHALL POST THE NOTICE AT OR NEAR THE PLACE OR THING WHERE THE ALCOHOLIC BEVERAGES WERE FOUND.**

### **(B) FAILURE TO APPEAR AT HEARING.**

**IF NO ONE APPEARS TO CLAIM THE ALCOHOLIC BEVERAGES OR OTHER SEIZED ITEMS AT THE HEARING SCHEDULED IN ACCORDANCE WITH THIS SECTION OR WITHIN 30 DAYS AFTER THE HEARING, THE COURT SHALL ORDER THAT THE ALCOHOLIC BEVERAGES AND OTHER ITEMS BE DISPOSED OF.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 16-414(e).

In subsection (a)(2) of this section, the former term "premises" is deleted as included in the term "place".

In subsection (b) of this section, the former reference to items being "destroyed" is deleted as included in the reference to items being "disposed of".

Defined term: "Alcoholic beverage" § 1-101

## **27-2613. DISPOSITION OF SEIZED ITEMS.**

### **(A) PROSECUTION RESULTING IN CONVICTION.**

**IF A PROSECUTION UNDER THIS ARTICLE RESULTS IN A CONVICTION AND AN APPEAL IS NOT TAKEN:**

**(1) ALCOHOLIC BEVERAGES SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE ORDERED TO BE DESTROYED; AND**

**(2) OTHER PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL CONTINUE TO BE HELD AS THE PROPERTY OF THE DEFENDANT OR THE OWNER.**

**(B) PROSECUTION NOT RESULTING IN CONVICTION.**

**IF A PROSECUTION UNDER THIS ARTICLE DOES NOT RESULT IN A CONVICTION, PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE RETURNED TO THE PERSON FROM WHOM IT WAS TAKEN.**

**(C) CLAIM FOR RETURN OF ITEMS OR DAMAGES.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON'S CLAIM OF INSUFFICIENCY OF THE DESCRIPTION OF THE ALCOHOLIC BEVERAGES SEIZED UNDER THIS SUBTITLE OR THE PLACE OR THING SEARCHED PROVIDED IN THE COMPLAINT OR WARRANT DOES NOT RESULT IN THE IMMEDIATE RETURN OF THE ALCOHOLIC BEVERAGES TO THE PERSON.**

**(2) THE PERSON WITH A CLAIM OF INSUFFICIENCY UNDER PARAGRAPH (1) OF THIS SUBSECTION IS ENTITLED TO A HEARING ON THE CLAIM WHEN THE CASE IS TRIED.**

**(3) A CONVICTION UNDER THIS SUBTITLE BARS AN ACTION FOR:**

**(I) THE RECOVERY OF ALCOHOLIC BEVERAGES OR THE VALUE OF ALCOHOLIC BEVERAGES; OR**

**(II) DAMAGES ALLEGED TO HAVE ARISEN FROM SEIZING ALCOHOLIC BEVERAGES.**

**(4) ALCOHOLIC BEVERAGES OR OTHER ITEMS SEIZED UNDER THIS SUBTITLE MAY NOT BE TAKEN FROM THE CUSTODY OF THE OFFICER BY A WRIT OF REPLEVIN OR OTHER PROCESS WHILE A PROSECUTION UNDER THIS SUBTITLE IS PENDING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-414(d) and (h).

In subsection (a) of this section, the reference to the “defendant” is substituted for the former references to the “accused” for consistency with the language used throughout the Code.

In the introductory language of subsection (a) of this section, the reference to a “prosecution under this article results in a conviction” is substituted for the former reference to “upon final judgment ..., the accused shall be found guilty” for brevity.

Also in the introductory language of subsection (a) of this section, the reference to an appeal that is “not taken” is substituted for the former phrase “after the time for appeal has expired and if no appeal is taken” for brevity.

In subsection (c)(1) of this section, the reference to “alcoholic beverages seized under this subtitle” is substituted for the former reference to liquor “seized by virtue of such warrant” for clarity and consistency with the language used in this subtitle.

In subsection (c)(2) of this section, the phrase “on the claim” is added for clarity.

In the introductory language of subsection (c)(3) of this section, the former reference to “final judgment of” conviction is deleted as surplusage.

Also in the introductory language of subsection (c)(3) of this section, the phrase “under this subtitle” is substituted for the former phrase “in such proceedings” for clarity.

Also in the introductory language of subsection (c)(3) of this section, the former phrase “in all cases” is deleted as surplusage.

In subsection (c)(3)(ii) of this section, the former reference to the “detention” of alcoholic beverages is deleted as included in the reference to the “seizing” of alcoholic beverages.

In subsection (c)(4) of this section, the phrase “under this subtitle” is substituted for the former phrase “herein provided” for clarity.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

## **27–2614. DISTRIBUTION OF FINES.**

**FINES IMPOSED IN THE COUNTY SHALL BE PAID AS FOLLOWS:**

**(1) ONE-HALF OF EACH FINE TO THE CLERK OF THE COURT FOR USE AS PROVIDED IN § 7-507 OF THE COURTS ARTICLE; AND**

**(2) THE OTHER HALF TO THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 2B, § 16-414(p).

In item (1) of this section, the former reference to fines imposed “by a circuit court” is deleted as unnecessary because all fines under this subtitle are imposed by a circuit court.

In item (2) of this section, the reference to the “County” is substituted for the former reference to the “County Commissioners for general county purposes” for brevity.

Defined term: “County” § 27-101

#### **27-2615. USE OF FINES.**

**(A) DETECTIVES OR UNDERCOVER AGENTS.**

**(1) THE COUNTY MAY USE ANY PART OF THE FINES FOR A VIOLATION OF THIS ARTICLE TO HIRE DETECTIVES OR UNDERCOVER AGENTS.**

**(2) A DETECTIVE OR AN UNDERCOVER AGENT HIRED UNDER THIS SECTION SHALL BE DEPUTIZED AS AN OFFICER.**

**(B) APPROPRIATION FROM GENERAL FUND.**

**WHEN MONEY IS NOT AVAILABLE FROM FINES, THE COUNTY COMMISSIONERS MAY APPROPRIATE NOT MORE THAN \$200 ANNUALLY FROM THE GENERAL FUND OF THE COUNTY TO ENFORCE THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-414(n), as it related to Queen Anne's County.

In subsection (a) of this section, the references to “undercover agents” are substituted for the former references to “secret service officers” for clarity.

In subsection (a)(1) of this section, the former reference to fines “imposed by a circuit court” is deleted as unnecessary because all fines under this subtitle are imposed by a circuit court.



In subsection (a)(2) of this section, the former reference to a “proper” officer is deleted as surplusage.

In subsection (b) of this section, the reference to “money” is substituted for the former reference to “funds” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to fines “collected for the violation of this article” is deleted as unnecessary.

Defined term: “County” § 27–101

### **27–2616. PUBLIC NUISANCE.**

#### **(A) PLACE DECLARED PUBLIC NUISANCE.**

**A PLACE WHERE ALCOHOLIC BEVERAGES ARE SOLD IN VIOLATION OF THIS ARTICLE OR TITLE 5 OF THE TAX – GENERAL ARTICLE IS A PUBLIC NUISANCE.**

#### **(B) BOND REQUIREMENT.**

**(1) ON CONVICTION OF THE OWNER OR OPERATOR OF THE PLACE, THE PLACE MAY BE CLOSED AND THE PUBLIC NUISANCE MAY BE ABATED UNTIL A \$2,000 BOND IS POSTED, PAYABLE TO THE STATE.**

**(2) THE BOND SHALL BE CONDITIONED ON THE OWNER OR OPERATOR:**

**(I) NOT SELLING ALCOHOLIC BEVERAGES IN VIOLATION OF THIS ARTICLE; AND**

**(II) PAYING ALL FINES, COSTS, AND DAMAGES ASSESSED AGAINST THE OWNER.**

**(3) IF A CONDITION OF THE BOND IS VIOLATED, THE COUNTY MAY BRING ACTION AGAINST THE OWNER OR OPERATOR FOR FINES, COSTS, AND DAMAGES.**

#### **(C) JURY TRIAL; APPEAL.**

**IF A JURY TRIAL IS REQUESTED OR APPEAL IS TAKEN IN A CASE IN WHICH A PLACE IS ALLEGED TO BE A PUBLIC NUISANCE, THE PLACE SHALL BE CLOSED UNTIL THE DEFENDANT POSTS A \$2,000 BOND UNDER THE SAME CONDITIONS AS THOSE SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.**

**(D) PENALTIES.**

**A PERSON WHO OWNS OR OPERATES A PUBLIC NUISANCE AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$2,000 AND IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(a) and the first, second, and fourth sentences of (p).

In subsection (a) of this section, the reference to “Title 5 of the Tax – General Article” is added for accuracy. Former Article 2B of the Code at one time included provisions that are now codified in Title 5 of the Tax – General Article.

In subsection (b) of this section, the references to “owner or operator” are substituted for the former references to “keeper” for clarity and consistency with language used in reference to abatement of nuisance actions in RP § 14–120.

In subsections (b)(1) and (c) of this section, the references to a place being “closed” are substituted for the former references to a place being “shut up and abated” for clarity and consistency with language used throughout this article.

In subsection (b)(1) of this section, the phrase “the public nuisance may be abated” is added for clarity.

Also in subsection (b)(1) of this section, the former phrase “with sufficient security to be approved by the court, in the penal sum” of \$2,000 is deleted as surplusage.

In subsection (b)(2)(i) of this section, the reference to selling alcoholic beverages “in violation of this article” is substituted for the former reference to selling intoxicating liquor “contrary to law” for clarity and consistency with language used throughout this article.

In the introductory language of subsection (d) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which only was implied by the reference in the former law to a “conviction”. In this State,

any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976) and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Also in the introductory language of subsection (d) of this section, the reference to a person who “owns or operates a public nuisance as described in subsection (a) of this section” is added for clarity.

In subsection (d) of this section, the former references to imprisonment “in the county jail or House of Correction” are deleted as surplusage.

Also in subsection (d) of this section, the former statement that “[a] certified transcript from the docket of the District Court or a certified copy of the record, under seal, of the clerk of any court shall be sufficient evidence of a previous conviction or convictions under any section of this subtitle” is deleted as surplusage.

In subsection (d)(1) of this section, the former references to minimum penalties of imprisonment of 6 months and a \$200 fine are deleted to conform to the statement of legislative policy in CR § 14–102, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character. Similarly, in subsection (d)(2) of this section, the former references to minimum penalties of imprisonment of 1 year and a \$500 fine for a subsequent offense are deleted.

Also in subsection (d)(1) of this section, the former phrase “in the discretion of the court” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 27–101

“Person” § 1–101

“State” § 1–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 16–414(j), which defined “liquor”, “means used for the sale of the same”, and “place” is deleted as unnecessary.

The definition of “liquor”, which was defined to include “the vessels containing the same”, was deleted because: (1) this article uses the defined term “alcoholic beverage” rather than “liquor” as the generic term for any type of alcoholic drink; and (2) the provision concerning vessels containing alcoholic beverages is implicit in the term “alcoholic beverage”. In § 27–2604(c) of this subtitle, the reference to vessels is expressly stated to reflect its appearance in the source law that the provision revises.

The definition of “means used for the sale of the same”, which was defined to include all furniture, implements, equipment, instrumentalities, or paraphernalia of a

barroom or drinking saloon or any part of same, any United States Internal Revenue tax receipts effective for the period of time covering the alleged offense, and any conveyance or vehicle, is deleted because the term is not used in this revised article. Section 27–2604(b) of this subtitle, which states the required contents of a search warrant, incorporates elements of this definition.

The definition of “place”, which was defined to mean any edifice, apartment, room, tent, boat, wagon, conveyance, motor vehicle, aero plane, or any open air location, is deleted as unnecessary.

Former Art. 2B, § 16–414(k) and (m), which prohibited giving away alcoholic beverages by a storekeeper or at a private residence used as a store to sell alcoholic beverages or a place to keep alcoholic beverages, or taking or soliciting orders or making agreements for the sale or delivery of alcoholic beverages, are deleted as obsolete. These former provisions were enacted in the early 1900’s before enactment of the current licensing scheme for sellers of alcoholic beverages and places to keep alcoholic beverages.

#### **SUBTITLE 27. PROHIBITED ACTS.**

##### **27–2701. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**
- (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**
- (3) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6–310 (“PROVIDING FREE FOOD”);**
- (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**

- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (13) § 6-320 (“DISORDERLY INTOXICATION”);
- (14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (16) § 6-327 (“TAX EVASION”);
- (17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (18) § 6-329 (“PERJURY”).

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”); AND
- (2) § 6-322 (“POSSESSION OF OPEN CONTAINER”).

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 27–2702 OF THIS SUBTITLE; AND**

**(2) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 27–2703 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to prohibited acts.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 19–201(b), as it related to Queen Anne’s County.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 27–101

“License holder” § 1–101

“Retail dealer” § 1–101

**27–2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6–304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**

**USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (e).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

In subsection (c) of this section, the reference to the Board proceeding "administratively" is added to conform to the terminology used in other similar provisions of this article.

Also in subsection (c) of this section, the former phrase "[n]otwithstanding any other provision of this section to the contrary" is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 27-101

"License holder" § 1-101

"State" § 1-101

**27-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (e).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b) of this section, the reference to the Board proceeding "administratively" is added to conform to the terminology used in other similar provisions of this article.

Also in subsection (b) of this section, the former phrase "[n]otwithstanding any other provision of this section to the contrary" is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 27-101

"License holder" § 1-101

"State" § 1-101

**27-2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

**(A) "KNOWINGLY" DEFINED.**

**IN THIS SECTION, "KNOWINGLY" MEANS THE KNOWLEDGE A REASONABLE INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.**

**(B) PROHIBITED.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:**



**(1) A HABITUAL DRUNKARD;**

**(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

**(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE OF THE INDIVIDUAL'S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND MIND.**

**(C) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-110(a) and, as it related to Queen Anne's County, the first sentence of (b).

In subsection (a) of this section, the former reference to the definition of "knowingly" applying "as to habitual drunkards" is deleted as surplusage.

In subsection (b) of this section, the defined term "alcoholic beverage" is substituted for the former references to "intoxicating beverages" for clarity and consistency with the terminology used throughout this article.

Also in subsection (b) of this section, the former references to "barter" and "furnish" are deleted as included in the references to "sell" and "provide".

In subsection (b)(2) of this section, the reference to an individual with an "intellectual disability" is substituted for the former reference to a "mentally deficient" person to conform to the requirements of Chapter 119 of the Acts of 2009. Chapter 119 requires the substitution of the term "intellectual disability" in the Code for the former reference of "mentally deficient".

In subsection (b)(3) of this section, the reference to a "family member or guardian" is substituted for the former reference to "parent or parents, guardian, husband, wife, son, daughter, brother, or sister" for brevity.

Also in subsection (b)(3) of this section, the reference to an “employee of the license holder” is added for consistency within this subsection.

In subsection (c) of this section, the former references to imprisonment “in the county jail” and to both fine and imprisonment “in the discretion of the court” are deleted as surplusage and to conform to standard language for imposition of a penalty for a criminal conviction.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the penalty stated in subsection (c) of this section applies only to a license holder who violates this section and not to an employee of a license holder, even though, under subsection (b) of this section, both a license holder and the holder’s employee are prohibited from selling or providing an alcoholic beverage to a habitual drunkard, an individual with an intellectual disability, or an individual whose relative has given notice. The employee would, presumably, be subject to the general penalty for a violation of this article under § 6–402 of this article.

Defined terms: “Alcoholic beverage” § 1–101  
“License holder” § 1–101

## **SUBTITLE 28. PENALTIES.**

### **27–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 27–101

### **27–2802. PENALTY IMPOSED BY BOARD.**

#### **(A) IN GENERAL.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,000 OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION UNDER THE ALCOHOLIC BEVERAGES LAWS AFFECTING THE COUNTY.**

#### **(B) PENALTY IN ADDITION TO RELATED COURT ACTION.**

**THE PENALTIES IMPOSED UNDER THIS SECTION ARE:**

**(1) IN ADDITION TO AND DO NOT LIMIT OTHER PENALTIES FOR THE SAME VIOLATION; AND**

**(2) INDEPENDENT OF ANY RELATED COURT ACTION BASED ON THE SAME VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(s).

In subsection (b)(1) of this section, the former phrase "under this article" is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 27-101

"County" § 27-101

"License" § 1-101

## **TITLE 28. ST. MARY'S COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **28-101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**"BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS FOR ST. MARY'S COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the "Board of License Commissioners for St. Mary's County".

**(C) COUNTY.**

**"COUNTY" MEANS ST. MARY'S COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to "St. Mary's County".

**(D) TAXPAYER.**

**"TAXPAYER" MEANS A RESIDENT WHO PAYS REAL ESTATE OR INCOME TAX TO THE COUNTY.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 1-102(b)(3), as it related to St. Mary's County.

The phrase "to the County" is added for clarity.

Defined term: "County" § 28-101

## **28-102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN ST. MARY'S COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

## **28-103. REGULATION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY.**

**THE COUNTY COMMISSIONERS MAY REGULATE BY ORDINANCE THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, INCLUDING BUILDINGS, GROUNDS, STREETS, HIGHWAYS, ALLEYS, SIDEWALKS, AND OTHER STRUCTURES OR ROADS ON LAND IN THE COUNTY OWNED BY:**

- (1) THE COUNTY;**
- (2) THE COUNTY BOARD OF EDUCATION; OR**
- (3) THE STATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-105(b).

Former Art. 2B, § 18–105(a), as it related to St. Mary’s County, which stated that former Art. 2B, § 18–105 applied to St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 28–101  
 “State” § 1–101

#### **28–104. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 28–101

#### **GENERAL REVISOR’S NOTE TO SUBTITLE**

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(t), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

#### **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

#### **28–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR ST. MARY’S COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–102(a)(1).

The name “Board of License Commissioners of St. Mary’s County” is used instead of the former reference to “the Alcohol Beverage Board of St. Mary’s County” for clarity and consistency with the terminology used throughout this article to refer to local licensing boards.

**28–202. MEMBERSHIP.****(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE GOVERNOR SHALL APPOINT FIVE MEMBERS TO THE BOARD, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.**

**(2) OF THE FIVE MEMBERS:**

**(I) ONE SHALL BE APPOINTED FROM EACH OF THE COUNTY COMMISSIONER DISTRICTS; AND**

**(II) ONE SHALL BE APPOINTED AT LARGE.**

**(B) QUALIFICATIONS.**

**A MEMBER OF THE BOARD SHALL BE:**

**(1) (I) OF GOOD MORAL CHARACTER AND INTEGRITY; AND**

**(II) AT LEAST 21 YEARS OLD; AND**

**(2) EXCEPT FOR THE AT-LARGE MEMBER, A RESIDENT OF THE COUNTY COMMISSIONER DISTRICT AT THE TIME OF APPOINTMENT AND DURING THE TERM OF OFFICE.**

**(C) RESTRICTIONS.**

**(1) IN THIS SUBSECTION, “DIRECT OR INDIRECT INTEREST” MEANS AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN.**

**(2) A MEMBER OF THE BOARD MAY NOT:**

(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD;

(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;

(III) OWN STOCK IN:

1. A CORPORATION THAT HAS A DIRECT OR INDIRECT INTEREST IN A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD; OR

2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR

(IV) HOLD ANY ELECTIVE PUBLIC OFFICE OR POSITION OF PUBLIC EMPLOYMENT.

(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

(D) TENURE.

(1) THE TERM OF A MEMBER IS 4 YEARS.

(2) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A MEMBER MAY SERVE A MAXIMUM OF TWO CONSECUTIVE TERMS.

(3) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.

(E) VACANCIES.

A MEMBER WHO IS APPOINTED TO FILL A VACANCY SERVES ONLY FOR THE REMAINDER OF THE TERM AND IS ELIGIBLE TO SERVE THE NEXT CONSECUTIVE TERM IF OTHERWISE QUALIFIED AND APPOINTED.

(F) REMOVAL.

(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY REQUIRED BY LAW.

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–102(a)(2) through (6) and (h)(1)(i) and (2) and 15–110(a).

In subsection (a)(1) of this section, the reference to appointments being “subject to” the advice and consent of the Senate is substituted for the former reference to appointments being “with” the advice and consent of the Senate to conform to the terminology used throughout this article.

In the introductory language of subsection (b) of this section, the reference to a “member of the Board” is substituted for the former reference to a “person” for clarity.

In subsection (c)(2)(iv) of this section, the reference to a “position of public” employment is added for clarity.

In subsection (d)(1) of this section, the former phrase “[e]xcept for the new Board appointed in accordance with this section” is deleted as obsolete.

In subsection (d)(3) of this section, the date of “July 1, 2016” is substituted for the former obsolete date of “January 1, 1986”. This substitution is not intended to alter the term of any member of the Board of License Commissioners for St. Mary's County.

In subsection (e) of this section, the former reference to the remainder of the “unserved” term is deleted as surplusage.

In subsection (f)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (f)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(t), which provided a cross-reference to provisions applicable to St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.



Defined terms: “Alcoholic beverage” § 1–101  
“Board” § 28–101  
“County” § 28–101  
“Person” § 1–101

### **28–203. CHAIR.**

**THE AT-LARGE MEMBER OF THE BOARD IS THE CHAIR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–102(b).

The reference to a “chair” is substituted for the former reference to a “[c]hairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The reference to a member “of the Board” is added for clarity.

Defined term: “Board” § 28–101

### **28–204. QUORUM; MEETINGS; COMPENSATION; STAFF.**

#### **(A) QUORUM.**

**A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A QUORUM.**

#### **(B) MEETINGS.**

**(1) THE BOARD SHALL MEET AT LEAST ONCE A MONTH.**

**(2) EACH HEARING THAT THE BOARD HOLDS SHALL BE OPEN TO THE PUBLIC.**

#### **(C) COMPENSATION.**

**THE COUNTY COMMISSIONERS SHALL:**

**(1) SET THE ANNUAL SALARY FOR THE CHAIR AND EACH OTHER MEMBER OF THE BOARD; AND**

**(2) PROVIDE FOR THE REASONABLE AND NECESSARY EXPENSES OF THE BOARD.**

#### **(D) STAFF.**

**SUBJECT TO THIS SECTION AND § 28–206 OF THIS SUBTITLE, THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(2) SET THE COMPENSATION OF THE EMPLOYEES.**

**(E) ATTORNEY.**

**(1) THE BOARD SHALL APPOINT AN ATTORNEY.**

**(2) THE COUNTY COMMISSIONERS SHALL SET THE ANNUAL SALARY FOR THE ATTORNEY.**

**(F) ADMINISTRATOR.**

**(1) THE BOARD SHALL APPOINT AN ADMINISTRATOR.**

**(2) THE ADMINISTRATOR SHALL CARRY OUT THE DUTIES ASSIGNED BY THE BOARD.**

**(3) THE COUNTY COMMISSIONERS:**

**(I) SHALL SET THE SALARY OF THE ADMINISTRATOR; AND**

**(II) MAY ASSIGN CLERICAL ASSISTANTS TO DISCHARGE THE DUTIES OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–102(c)(1), (2), and (3), (d), (e), and (g) and 15–112(a)(2).

In subsection (a) of this section, the reference to members “then” serving is added for clarity.

In subsection (c)(1) of this section, the reference to each “other” member is added for clarity.

Also in subsection (c)(1) of this section, the reference to the “chair” is substituted for the former reference to the “[c]hairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (d)(1)(iii) and (f)(3)(ii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Former Art. 2B, § 15–109(t), which stated that certain provisions regarding salaries of the members of the Board applied in the County, is deleted as unnecessary in light of subsection (c) of this section.

Defined terms: “Board” § 28–101  
 “County” § 28–101

## **28–205. ADVISORY COMMITTEES.**

**THE BOARD MAY APPOINT ADVISORY COMMITTEES COMPOSED OF RESPONSIBLE INDIVIDUALS IN THE COUNTY TO ADVISE THE BOARD ON ADMINISTERING ALCOHOLIC BEVERAGES LAWS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–102(c)(4).

The reference to “individuals” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” can be appointed to a committee.

The reference to “administering” alcoholic beverages laws is substituted for the former reference to “matters relating to the administration of” alcoholic beverages laws for brevity.

Defined terms: “Alcoholic beverage” § 1–101  
 “Board” § 28–101  
 “County” § 28–101

## **28–206. INSPECTOR.**

### **(A) APPOINTMENT BY BOARD.**

**THE BOARD SHALL APPOINT AN INSPECTOR.**

### **(B) POWERS AND DUTIES.**

**AN INSPECTOR SHALL:**

(1) POSSESS THE POWER OF A PEACE OFFICER IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE; AND

(2) CARRY OUT THE DUTIES THAT THE BOARD REQUIRES.

(C) SALARY.

**THE COUNTY COMMISSIONERS SHALL SET THE SALARY OF THE INSPECTOR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–102(f).

In subsection (b)(1) of this section, the reference to the power of a peace officer “arising out of or relating to the enforcement of this article” is substituted for the former reference to power “in respect to the enforcement of alcoholic beverages laws of St. Mary’s County” to conform to the terminology used in similar provisions in Division II of this article.

Defined terms: “County” § 28–101  
“State” § 1–101

## **28–207. NOISE.**

**THE BOARD MAY REGULATE THE PLAYING TIME AND NOISE LEVEL OF LIVE MUSIC, A MECHANICAL MUSIC BOX, OR A SOUND MAKING DEVICE ON LICENSED PREMISES IF THE SOUND DISTURBS THE PEACE, TRANQUILITY, SAFETY, AND HEALTH OF THE SURROUNDING NEIGHBORHOOD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–219(b).

Defined term: “Board” § 28–101

## **28–208. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for St. Mary’s County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 28–101

### **SUBTITLE 3. LIQUOR CONTROL.**

#### **28–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 28–101

### **SUBTITLE 4. MANUFACTURER’S LICENSES.**

#### **28–401. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**

- (7) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”);
- (8) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- (9) § 2-211 (“RESIDENCY REQUIREMENT”);
- (10) § 2-212 (“ADDITIONAL LICENSES”);
- (11) § 2-213 (“ADDITIONAL FEES”);
- (12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (13) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTION.**

**SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 2-208 (“CLASS 6 PUB-BREWERY LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28-403 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Former Art. 2B, § 2–208(b)(2)(xix), which provided that a Class 7 micro–brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 28–101  
“Manufacturer’s license” § 1–101

#### **28–402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(a).

The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101  
“Manufacturer’s license” § 1–101

#### **28–403. CLASS 6 PUB–BREWERLY LICENSE.**

##### **(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERLY LICENSE IN THE COUNTY.**

##### **(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

**SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–207(a)(4), as it related to the availability of a Class 6 pub–brewery license in St. Mary’s County, and, as it authorized off–sale privileges of beer in refillable containers only in specific jurisdictions, not including the County, the introductory language of (g)(1).

Defined terms: “County” § 28–101  
“License holder” § 1–101

#### **SUBTITLE 5. WHOLESALER’S LICENSES.**

#### **28–501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 28–101  
“Wholesaler’s license” § 1–101

**28–502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 28–503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(a).

Defined terms: “Alcoholic beverage” § 1–101  
“Wholesaler’s license” § 1–101

**28–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

**(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

**A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.**

**(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

**THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.



Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101  
“Wholesaler’s license” § 1–101

## **SUBTITLE 6. BEER LICENSES.**

### **28–601. CLASS A BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(t) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1–101  
“Consumer” § 1–101

**28–602. CLASS B BEER LICENSE — NOT APPLICABLE.**

**A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(t).

Defined terms: “Beer” § 1–101  
“County” § 28–101

**28–603. CLASS C BEER LICENSE — NOT APPLICABLE.**

**A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(t).

Defined terms: “Beer” § 1–101  
“County” § 28–101

**28–604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$200 FOR A 6-DAY LICENSE; AND**

**(2) \$250 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(a)(1) and (t)(2) and (3).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Former Art. 2B, § 3-401(t)(1), which stated that former Art. 2B, § 3-401(t) applied in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"7-day license" § 1-101

"6-day license" § 1-101

## **SUBTITLE 7. WINE LICENSES.**

### **28-701. CLASS A WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(16), (b)(1), (c)(1), and (d)(1).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 28–101

“Wine” § 1–101

**SUBTITLE 8. BEER AND WINE LICENSES.**

**28–801. CLASS A–3 BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A–3 BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$350.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(t) and (a)(1).

In this section and throughout this subtitle, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling beer and wine “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

#### **28–802. CLASS B BEER AND WINE LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

##### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.**

##### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$400.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(t) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

#### **28–803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(t).

Defined terms: "Beer" § 1-101

"County" § 28-101

"Wine" § 1-101

**28-804. CLASS D BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS D BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(t).

Defined terms: "Beer" § 1-101

"County" § 28-101

"Wine" § 1-101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**28-901. CLASS A BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THERE ARE:**

**(1) A CLASS A-1 BEER, WINE, AND LIQUOR 7-DAY LICENSE; AND**

**(2) A CLASS A-2 BEER, WINE, AND LIQUOR 6-DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**THE LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$400 FOR A CLASS A-1 7-DAY LICENSE; AND**

**(2) \$300 FOR A CLASS A-2 6-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-101(a)(1) and (3) and (t)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the references to "beer, wine, or liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (b)(1) of this section, the phrase "to sell" is substituted for the former phrase "to keep for sale and to sell" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (c)(2) of this section, the phrase "at least 1 year before the date of the application for the license" is substituted for the former phrase "that length of time" for clarity.

In subsection (c)(3) of this section, the former reference to "actually" engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase "for a period of" is deleted as surplusage.



Former Art. 2B, § 6–101(t)(1), which stated that former Art. 2B, § 6–101(t) applied only in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“License” § 1–101

“License holder” § 1–101

“7–day” § 1–101

“6–day” § 1–101

“Wine” § 1–101

**28–902. CLASS B BEER, WINE, AND LIQUOR HOTEL/RESTAURANT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR HOTEL/RESTAURANT LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL THAT:**

**(1) ACCOMMODATES THE PUBLIC AND PROVIDES SERVICE ORDINARILY FOUND IN HOTELS; AND**

**(2) HAS:**

**(I) AT LEAST 25 ROOMS;**

**(II) A LOBBY WITH A REGISTRATION AND MAIL DESK AND SEATING FACILITIES; AND**

**(III) A DINING ROOM THAT SERVES FULL–COURSE MEALS AT LEAST TWICE DAILY.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 28–2004(B) OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: Subsections (a), (b), (c), and (e) of this section are new language derived without substantive change from former Art. 2B, § 6–201(t)(2).

Subsection (d) of this section is new language added for clarity.

In the introductory language of subsection (b) of this section, the reference to “[t]he Board” issuing the license is added to state expressly what was only implicit in the former law, that the Board is the license issuing authority.

Also in the introductory language of subsection (b) of this section, the former reference to a “bona fide” hotel is deleted as surplusage.

In subsection (c) of this section, the phrase “at retail at the place described in the license” is added to conform to the terminology used throughout this article.

Former Art. 2B, § 6–201(t)(1), which stated that former Article 2B, § 6–201(t) applied only in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 28–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**28–903. CLASS B BEER, WINE, AND LIQUOR RESTAURANT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR RESTAURANT LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF- PREMISES CONSUMPTION.**

**(C) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 28-2004(B) OF THIS TITLE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$650.**

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 6-201(t)(3) and, as it related to restaurants, (a)(1).

Subsection (c) of this section is new language added for clarity.

Defined terms: "Beer" § 1-101

"License" § 1-101

"License holder" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**28-904. CLASS C BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT ORGANIZATION OR CLUB THAT:**

**(1) IS COMPOSED ONLY OF MEMBERS WHO HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;**

**(2) OPERATES ONLY FOR ITS MEMBERS AND GUESTS ACCOMPANIED BY MEMBERS; AND**

**(3) MEETS IN A CLUBHOUSE THAT IS PRINCIPALLY USED FOR CLUB PURPOSES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$350.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(a)(1) and (t)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In the introductory language of subsection (b) of this section, the former reference to a "bona fide" nonprofit organization or club is deleted as surplusage.

In subsection (b)(3) of this section, the former requirement that the organization or club be "neither directly nor indirectly operated as a public business" is deleted as unnecessary because the organization or club is nonprofit.

In subsection (c) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "all alcoholic beverages" for clarity.

Also in subsection (c) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (c) of this section, the former reference to consumption "only" on the licensed premises is deleted as surplusage.

Former Art. 2B, § 6-301(t)(1), which stated that former Art. 2B, § 6-301(t) applied only in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 28-101

"Club" § 1-101

"Wine" § 1-101

**28-905. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE ARE:**

- (1) A CLASS D BEER, WINE, AND LIQUOR 6-DAY LICENSE; AND
  - (2) A CLASS D BEER, WINE, AND LIQUOR 7-DAY LICENSE.
- (B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.

- (C) DRUGSTORE PROHIBITION.

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

- (D) FEE.

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$250 FOR A 6-DAY LICENSE; AND
- (2) \$650 FOR A 7-DAY LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(a)(1) and (t)(2).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Former Art. 2B, § 6-401(t)(1), which stated that former Art. 2B, § 6-401(t) applied only in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101  
 "License" § 1-101  
 "7-day license" § 1-101  
 "6-day license" § 1-101  
 "Wine" § 1-101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.****28-1001. GOLF COURSE LICENSE.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO A GOLF COURSE THAT IS:**

**(1) ON LAND THAT IS OWNED BY THE COUNTY; AND**

**(2) OPERATED BY A COUNTY GOLF COURSE MANAGER OR A GOLF COURSE MANAGER UNDER A MANAGEMENT AGREEMENT WITH THE COUNTY.**

**(B) ESTABLISHED.**

**THERE IS A CLASS M–G BEER, WINE, AND LIQUOR LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A GOLF COURSE MANAGER.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE LAND AND IN THE FACILITIES USED FOR GOLFING PURPOSES.**

**(E) DESIGNATED AGENT AS SELLER.**

**(1) THE LICENSE HOLDER MAY DESIGNATE AN AGENT TO SELL BEER, WINE, AND LIQUOR AT THE GOLF COURSE.**

**(2) THE AGENT SHALL BE CONSIDERED THE VENDOR FOR COLLECTING AND REMITTING THE SALES AND USE TAX.**

**(F) TRANSFER TO DIFFERENT GOLF COURSE MANAGER ALLOWED.**

**ON REQUEST OF THE COUNTY, THE BOARD MAY TRANSFER A CLASS M–G LICENSE TO A DIFFERENT GOLF COURSE MANAGER.**

**(G) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(H) FEE.**

**THE ANNUAL LICENSE FEE IS \$600.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–509.

In subsection (d) of this section, the former reference to “only” on the land and in the facilities used for golfing purposes is deleted as surplusage.

Subsection (g) of this section is revised in standard language used throughout this article to direct a board to adopt regulations.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Beer” § 1–101  
 “Board” § 28–101  
 “County” § 28–101  
 “Wine” § 1–101

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.****28–1101. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTION.**

**SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28-1102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 28-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**28-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED PERMIT HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(E) FEES.**

**THE BOARD MAY CHARGE ANNUAL PERMIT FEES OF UP TO:**

**(1) \$50 FOR AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITH AN OFF-SALE PRIVILEGE; OR**



**(2) \$500 FOR AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITHOUT AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-217.1(d) through (g).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

Former Art. 2B, § 8-103(a)(1)(vii), which stated that provisions regarding refillable container permits with respect to draft beer applied in St. Mary's County, and former Art. 2B, § 8-219.1(a), which stated that former Art. 2B, § 8-219.1 applied only in St. Mary's County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-219.1(b), which defined "Board" to mean the Alcohol Beverage Board, is deleted as redundant of the defined term "Board" in § 28-101 of this title.

Former Art. 2B, § 8-219.1(c), which stated that there is a refillable container permit, is deleted as unnecessary in light of § 4-1104 of this article.

Defined terms: "Beer" § 1-101

"Board" § 28-101

**SUBTITLE 12. CATERER'S LICENSES.**

**28-1201. LOCAL CATERER'S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER'S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in St. Mary's County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6-708(b) through (g).

In subsection (c)(1) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

In subsection (c)(2) of this section, the former phrase "in this article" is deleted as surplusage.

In subsection (d) of this section, the former reference to providing food "as well as alcoholic beverages" is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section, the reference to a "local" caterer's license is added for clarity.

Also in subsection (f) of this section, the reference to the premises "for which the Class B license is issued" is substituted for the former reference to premises "that is covered by the existing license" for clarity.

Also in subsection (f) of this section, the former reference to an “existing” Class B license is deleted as surplusage.

Former Art. 2B, § 6–708(a), which stated that former Art. 2B, § 6–708 applied only in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 28–101

“Hotel” § 1–101

“On–sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

#### **28–1301. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–1202 (“PER DIEM LICENSES”);**
- (2) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**
- (3) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**
- (4) § 4–1208 (“HOURS AND DAYS OF SALE”); AND**
- (5) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).**

##### **(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”), WHICH IS SUPERSEDED BY § 28–1309 OF THIS SUBTITLE;**

(2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”), WHICH IS SUPERSEDED BY § 28-1309 OF THIS SUBTITLE; AND

(3) § 4-1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY § 28-1310 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 28-101

**28-1302. RESERVED.**

**28-1303. RESERVED.**

## **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**28-1304. BEER FESTIVAL LICENSE.**

(A) **ESTABLISHED.**

**THERE IS A BEER FESTIVAL (BF) LICENSE.**

(B) **AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE AUTHORIZING THE SALE OF BEER, A CLASS 5 BREWERY LICENSE, A CLASS 6 PUB-BREWERY LICENSE, A CLASS 7 MICRO-BREWERY LICENSE, OR A CLASS 8 FARM BREWERY LICENSE.**

(C) **SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER THAT IS:**

(1) **MANUFACTURED AND PROCESSED IN ANY STATE; AND**

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

(D) **TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

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

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

(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.

**THE BOARD SHALL:**

(1) CHOOSE 1 WEEKEND EACH YEAR FOR THE BEER FESTIVAL THAT DOES NOT FALL ON THE DATES CHOSEN FOR THE SOTTERLEY WINE FESTIVAL;

(2) CHOOSE A LOCATION IN HISTORIC ST. MARY'S CITY FOR THE FESTIVAL; AND

(3) ENSURE THAT THE PRIMARY FOCUSES OF THE FESTIVAL ARE THE PROMOTIONS OF BOTH MARYLAND BEER AND TOURISM IN HISTORIC ST. MARY'S CITY.

(F) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(G) FEE.

THE LICENSE FEE IS \$15.

(H) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–806.

Subsection (a) of this section is revised as standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other law,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (c) of this section, the reference to the license “authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “holder of a special BF license shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (c) of this section, the former reference to a limit on the display and sale of wine that is “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder ... from holding” another license for clarity.

Defined terms: “Beer” § 1–101

“Board” § 28–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

#### **28–1305. WINE FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A WINE FESTIVAL (WF) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE THAT AUTHORIZES THE SALE OF WINE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS:**

**(1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

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

**(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

- (1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND
  - (2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.
- (E) TIME, LOCATION, AND FOCUS OF FESTIVAL.

**THE BOARD SHALL:**

- (1) CHOOSE 1 WEEKEND EACH YEAR FOR THE FESTIVAL;
  - (2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND
  - (3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND WINE.
- (F) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

- (G) FEE.

THE LICENSE FEE IS \$15.

- (H) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-312.1.

Throughout this section, the former references to a "special" festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a "retail" license is substituted for the former reference to an "existing State retail alcoholic beverages license issued in the State" for brevity.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other provision to the contrary,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (c) of this section, the reference to the license “authoriz[ing] the holder to” display and sell is substituted for the former reference to the requirement that the “holder of a special WF license shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (c) of this section, the former requirement that wine must be “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (e)(2) of this section, the reference to a location that is not “already licensed” is substituted for the former reference to a location that is not “licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to a location “for this festival” is deleted as surplusage.

Also in subsection (e)(2) of this section, the former reference to the Board approving a location “in St. Mary’s County” is deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder” from holding another license for clarity.

Defined terms: “Board” § 28–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

“Wine” § 1–101

## **28–1306. BEER AND WINE TASTING OR SAMPLING LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A 1-DAY CLASS BWTS BEER AND WINE TASTING OR SAMPLING LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO:**



- (1) A HOLDER OF A CURRENT ALCOHOLIC BEVERAGES LICENSE; OR
- (2) A RELIGIOUS, FRATERNAL, CIVIC, VETERANS', HOSPITAL, OR CHARITABLE:
  - (I) CLUB;
  - (II) SOCIETY;
  - (III) ASSOCIATION; OR
  - (IV) ORGANIZATION.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER OR WINE FOR TASTING OR SAMPLING IF:

- (1) THE BEER OR WINE IS GIVEN TO CONSUMERS AT NO CHARGE; AND
- (2) ALL CONSUMPTION OF THE BEER OR WINE OCCURS AT THE LOCATION OF THE LICENSE HOLDER.

(D) PUBLICATION OF LICENSE APPLICATION NOT REQUIRED.

THE BOARD NEED NOT PUBLISH A LICENSE APPLICATION BEFORE ISSUING THE LICENSE.

(E) LIMIT ON NUMBER OF LICENSES.

THE BOARD MAY ISSUE A LICENSE TO A PERSON NOT MORE THAN 12 TIMES IN A CALENDAR YEAR.

(F) LIMIT ON SERVINGS.

AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY THE LICENSE IN A QUANTITY NOT EXCEEDING:

- (1) 1 OUNCE FROM EACH OFFERING AND 4 OUNCES FROM ALL OFFERINGS OF WINE IN A DAY; AND
- (2) 3 OUNCES FROM EACH OFFERING AND 8 OUNCES FROM ALL OFFERINGS OF BEER IN A DAY.

**(G) DISPOSAL OF REMAINING BEER OR WINE.**

**AT THE END OF THE DAY FOR WHICH THE LICENSE IS VALID, THE LICENSE HOLDER SHALL DISPOSE OF ANY BEER OR WINE THAT REMAINS IN A CONTAINER OPENED FOR TASTING OR SAMPLING.**

**(H) FEE.**

**THE LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–410.4(b) through (j).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(2) of this section, the reference to a “religious, fraternal, civic, veterans’, hospital, or charitable” club, society, association, or organization is substituted for the former reference to “an organization that qualifies for a special Class C beer, special Class C beer and wine license, or a special Class C beer, wine and liquor license under § 7–101(r) of this article” for clarity.

In subsection (c)(1) and (2) of this section, the references to “beer or wine” are substituted for the former references to “alcoholic beverages” to reflect the scope of this section.

In subsection (c)(2) of this section, the reference to the “location” of the license holder is substituted for the former reference to the “licensed premises” of the license holder for consistency with terminology used throughout this article.

In the introductory language of subsection (f) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (f)(1) and (2) of this section, the references to “each offering” and all “offerings” are substituted for the former references to “a single brand” and all “brands” for clarity.

In subsection (g) of this section, the reference to “any beer and wine that remains” in a container is substituted for the former reference to “unconsumed alcoholic beverages remaining” for brevity and clarity.

Former Art. 2B, § 8–410.4(a), which stated that former Art. 2B, § 8–410.4 applied only in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 28-101

"Consumer" § 1-101

"License" § 1-101

**28-1307. RESERVED.**

**28-1308. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**28-1309. CLASS C PER DIEM LICENSES.**

**(A) ESTABLISHED.**

**THERE IS:**

- (1) A CLASS C PER DIEM BEER LICENSE;**
- (2) A CLASS C PER DIEM BEER AND WINE LICENSE; AND**
- (3) A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED LICENSE HOLDER.**

**THE BOARD MAY:**

- (1) ISSUE A LICENSE TO A:**
  - (I) RELIGIOUS, FRATERNAL, CIVIC, VETERANS', OR CHARITABLE ORGANIZATION, ASSOCIATION, CLUB, OR SOCIETY; OR**
  - (II) HOSPITAL SUPPORTING ORGANIZATION; AND**
- (2) IMPOSE CONDITIONS ON THE LICENSE.**
- (C) LICENSE PERIOD.**

**THE PERIOD FOR WHICH A LICENSE UNDER THIS SECTION MAY BE ISSUED IS:**

- (1) FOR A CLASS C PER DIEM BEER LICENSE, NOT LONGER THAN 10 DAYS;**

(2) FOR A CLASS C PER DIEM BEER AND WINE LICENSE, 1 DAY; AND

(3) FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, 1 DAY.

(D) PURCHASE OF ALCOHOLIC BEVERAGES FROM RETAIL DEALER.

**A LICENSE HOLDER MAY PURCHASE THE ALCOHOLIC BEVERAGES TO BE SOLD UNDER THE LICENSE FROM A RETAIL DEALER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(r)(2) through (4) and (6).

In subsection (b) of this section, the former reference to a “bona fide” organization is deleted as surplusage.

Also in subsection (b) of this section, the reference to a hospital “supporting” organization is added for clarity, reflecting terminology used in the Internal Revenue Code.

Former Art. 2B, § 7–101(r)(1), which stated that former Art. 2B, § 7–101(r) applied only in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 28–101

“License” § 1–101

“Retail dealer” § 1–101

“Wine” § 1–101

**28–1310. FEE.**

**THE FEE FOR A CLASS C PER DIEM BEER LICENSE, A CLASS C PER DIEM BEER AND WINE LICENSE, AND A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$10 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(r)(5).

The specific types of licenses are substituted for the former reference to “each license” for clarity.

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**28-1401. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (7) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);
- (8) § 4-111 (“PAYMENT OF LICENSE FEES”);
- (9) § 4-113 (“REFUND OF LICENSE FEES”); AND
- (10) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

**(B) VARIATIONS.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 28-1402 THROUGH 28-1407 OF THIS SUBTITLE;
- (2) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”), SUBJECT TO § 28-1408 OF THIS SUBTITLE; AND

**(3) § 4–112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 28–1410 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 28–101

**28–1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**(A) REQUIRED.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

**(B) CRIMINAL HISTORY RECORD INFORMATION FROM COUNTY POLICE.**

**THE BOARD MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION ON LICENSE APPLICANTS AND THEIR AGENTS FROM THE COUNTY POLICE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ii)2 and 1D and (d)(3)(i).

The reference to “criminal history record information” is substituted for the former reference to “criminal history records check” to conform to the terminology used in CP § 10–201.

Defined terms: “Board” § 28–101

“Central Repository” § 1–101

“County” § 28–101

“License” § 1–101

**28–1403. CRIMINAL HISTORY RECORD INFORMATION TO BE MADE AVAILABLE ONLY TO BOARD PERSONNEL.**

**THE BOARD SHALL MAKE CRIMINAL HISTORY RECORD INFORMATION IN ITS POSSESSION AVAILABLE ONLY TO THE ADMINISTRATOR, INSPECTOR, MEMBERS, AND DESIGNEES OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(d)(7).

The reference to “criminal history record information” is substituted for the former reference to “criminal records” to conform to the terminology used in CP § 10–201.

The former requirement that the Board keep criminal records confidential is deleted as redundant of the confidentiality requirement in § 4–107(d)(1) of this article.

Defined term: “Board” § 28–101

**28–1404. HEARING MAY NOT BE DELAYED BECAUSE OF FAILURE TO PROVIDE CRIMINAL HISTORY RECORDS CHECK.**

**THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY NOT BE DELAYED BECAUSE OF THE FAILURE OF THE FEDERAL BUREAU OF INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORD CHECK BY THE DATE OF THE SCHEDULED HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(d)(8).

Defined term: “License” § 1–101

**28–1405. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4–107 OF THIS ARTICLE OR § 28–1402 OF THIS SUBTITLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ii)1D and, as it related to St. Mary’s County, (i)2.

The reference to “criminal history record information” is substituted for the former reference to “records” to conform to the terminology used in CP § 10–201.

The reference to “the application process” is substituted for the former reference to “its necessary use” for clarity.

Defined term: “Board” § 28–101

**28–1406. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND CRIMINAL HISTORY RECORDS CHECK RESULTS.**

**THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT’S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(d)(6).

The reference to the Board’s ability to set “and charge” a fee is added to expressly state what was only implied in the former law.

The reference to the “results” is added for clarity.

Defined term: “Board” § 28–101

#### **28–1407. REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT §§ 28–1403, 28–1404, AND 28–1406 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(d)(9).

Defined term: “Board” § 28–101

#### **28–1408. PETITION OF SUPPORT.**

**AN INDIVIDUAL IS ELIGIBLE TO SIGN THE PETITION OF SUPPORT REQUIRED UNDER § 4–110 OF THIS ARTICLE THAT MUST BE INCLUDED AS PART OF AN APPLICATION FOR A LICENSE IF THE INDIVIDUAL:**

**(1) OWNS REAL PROPERTY WITHIN 5 MILES OF THE PREMISES FOR WHICH THE LICENSE IS SOUGHT; AND**

**(2) IS A REGISTERED VOTER IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(18)(ii).

The reference to a “petition of support” is substituted for the former reference to a “certificate” to conform to the terminology used throughout this article.

The references to an “individual” are substituted for the former references to a “person” because this section applies only to human beings.

Defined terms: “County” § 28–101



“License” § 1–101

**28–1409. RESIDENCY REQUIREMENT FOR CORPORATE STOCKHOLDERS.**

**A LICENSE MAY NOT BE ISSUED FOR THE USE OF A CORPORATION UNLESS THE OWNERS OF AT LEAST 15% OF THE TOTAL STOCK OF THE CORPORATION HAVE RESIDED IN THE COUNTY FOR 6 MONTHS IMMEDIATELY BEFORE THE APPLICATION FOR THE LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–219.

The reference to owners of “at least” 15% is added for clarity.

The reference to “immediately before” the application is substituted for the former reference to “next preceding” the application for clarity.

The former reference to a license “for the sale of alcoholic beverages” is deleted as included in the defined term “license”.

The former phrase “[f]or the purposes of this section the term” is deleted as unnecessary.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement that the owners of at least 15% of the stock reside in the County may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “County” § 28–101  
“License” § 1–101

**28–1410. DISPOSITION OF LICENSE FEES.**

**THE COUNTY TREASURER SHALL:**

- (1) COLLECT THE LICENSE FEES; AND**
- (2) PAY OVER TO THE COMMISSIONERS OF LEONARDTOWN THE FEES RECEIVED FOR LICENSES ISSUED FOR PREMISES IN LEONARDTOWN.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(t).

The former reference to paying funds to the Commissioners of Leonardtown “for general corporate purposes” is deleted as surplusage.

Defined terms: “County” § 28–101  
“License” § 1–101

#### **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

#### **28–1501. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (3) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (4) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);**
- (5) § 4–209 (“HEARING”);**
- (6) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**
- (7) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (8) § 4–212 (“LICENSE NOT PROPERTY”);**
- (9) § 4–213 (“REPLACEMENT LICENSES”); AND**
- (10) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).**

##### **(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO §§ 28-1502 AND 28-1503 OF THIS SUBTITLE;

(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 28-1505 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND

(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 28-1505 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 28-101

“License” § 1-101

“Local licensing board” § 1-101

#### **28-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

**THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(5), as it related to St. Mary’s County and except as it related to the renewal of a license by a person that holds an out-of-state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The former reference to a “corporation, or limited liability company” is deleted as included in the reference to a “person”.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 28-101

“Person” § 1-101

“State” § 1-101

“Wine” § 1-101

**28-1503. PROHIBITED ISSUANCE OF LICENSE.**

**A LICENSE APPLICATION SHALL BE DISAPPROVED AND THE LICENSE SHALL BE DENIED IF THE BOARD DETERMINES THAT THE APPLICANT HAS BEEN CONVICTED OF A FELONY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(o)(2).

The former reference to the license "for which application" is made is deleted as surplusage.

Defined terms: "Board" § 28-101  
"License" § 1-101

**28-1504. COUNTY TREASURER.**

**THE COUNTY TREASURER SHALL COLLECT LICENSE FEES AND MAY ISSUE LICENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(o)(1).

Defined terms: "County" § 28-101  
"License" § 1-101

**28-1505. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to "Class D beer or Class D beer and wine licenses" is substituted for the former reference to licenses issued "[u]nder § 3-401 or § 5-401 of this article" for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Wine” § 1–101

## **28–1506. ADDITIONAL BARS AND SERVING COUNTERS.**

### **(A) IN GENERAL.**

**THE BOARD MAY AUTHORIZE A LICENSE HOLDER TO INSTALL AN ADDITIONAL BAR OR SERVING COUNTER WITHIN A REASONABLE DISTANCE OF THE MAIN BUILDING OF THE PREMISES SERVED BY THE LICENSE HELD BY THE LICENSE HOLDER.**

### **(B) BOARD TO DETERMINE REASONABLE DISTANCE.**

**THE BOARD SHALL DETERMINE WHAT IS A REASONABLE DISTANCE FOR AN ADDITIONAL BAR OR SERVING COUNTER.**

### **(C) ADDITIONAL LICENSE NOT REQUIRED.**

**AN ADDITIONAL LICENSE IS NOT REQUIRED FOR AN ADDITIONAL BAR OR SERVING COUNTER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–9)(2).

In subsections (a) and (b) of this section, the references to the defined term “Board” are substituted for the former broad references to “alcoholic beverages licensing authority” and “licensing authority” because only the Board can act as a licensing authority under this title.

In subsection (a) of this section, the reference to the main building “of the premises served by the ... license holder” is added for clarity.

Also in subsection (a) of this section, the former phrase “[n]otwithstanding any other provisions of this article,” is deleted as surplusage.

In subsections (b) and (c) of this section, the references to “an additional bar or serving counter” are added for clarity.

In subsection (c) of this section, the former phrase “, if the authorization is granted,” is deleted as surplusage.

Former Art. 2B, § 9–102(b–9)(1)(iii), which stated that the provisions of former Art. 2B, § 9–102(b–9) applied in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 28–101  
“License” § 1–101

## **28–1507. SALE OF CIDER AND NATIVE WINE WITHOUT LICENSE.**

**CIDER AND NATIVE WINE MAY BE SOLD BY THEIR MAKERS WITHOUT A LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1–201(b)(2).

Defined terms: “License” § 1–101  
“Wine” § 1–101

## **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

### **PART I. LICENSING CONDITIONS.**

## **28–1601. QUOTA FOR CLASS A LICENSES.**

### **(A) IN GENERAL.**

#### **THE BOARD MAY NOT:**

**(1) ISSUE MORE THAN ONE CLASS A LICENSE FOR EVERY 1,350 INDIVIDUALS IN AN ELECTION DISTRICT IN THE COUNTY; OR**

**(2) APPROVE THE TRANSFER OF A LICENSE ISSUED UNDER ITEM (1) OF THIS SUBSECTION FROM ONE ELECTION DISTRICT TO ANOTHER ELECTION DISTRICT UNLESS THE TRANSFER CAN BE MADE WITHOUT EXCEEDING THE LICENSE QUOTA PROVIDED IN ITEM (1) OF THIS SUBSECTION.**

### **(B) STATISTICS FROM COUNTY PLANNING COMMISSION ANNUAL REPORT.**

**THE BOARD SHALL USE THE POPULATION STATISTICS FROM THE MOST RECENT COUNTY PLANNING COMMISSION ANNUAL REPORT TO MAINTAIN THE LICENSE QUOTA PROVIDED IN SUBSECTION (A)(1) OF THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-219(d).

In subsection (a)(1) of this section, the former reference to a Class A license “with an off-sale privilege” is deleted as unnecessary because all Class A licenses have an off-sale privilege.

In subsection (a)(2) of this section, the reference to the Board “approv[ing] the” transfer “of” a license is added for accuracy.

Defined terms: “Board” § 28-101

“County” § 28-101

“License” § 1-101

## **28-1602. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

### **(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF A PLACE OF WORSHIP OR A PUBLIC OR NONPUBLIC KINDERGARTEN, ELEMENTARY, OR SECONDARY SCHOOL.**

**(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF WORSHIP OR THE PUBLIC OR NONPUBLIC KINDERGARTEN, ELEMENTARY, OR SECONDARY SCHOOL IS TO BE MEASURED FROM THE NEAREST WALL OF THE ESTABLISHMENT IN A DIRECT LINE TO THE NEAREST POINT OF THE MAIN BUILDING OF THE PLACE OF WORSHIP OR THE SCHOOL.**

### **(B) EXCEPTIONS.**

**THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY:**

**(1) TO THE ISSUANCE OF A CLASS B (ON-SALE) BEER, WINE, AND LIQUOR LICENSE FOR AN ESTABLISHMENT IN LEONARDTOWN; OR**

**(2) IF A PLACE OF WORSHIP OR SCHOOL LOCATES ITS BUILDING WITHIN 300 FEET OF A PREMISES THAT IS ALREADY LICENSED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-219(b).

Throughout this section, the former references to a “church” are deleted as included in the references to a “place of worship”.

In subsection (a)(1) of this section, the prohibition against “issu[ing]” a license is substituted for the former prohibition against “approv[ing] any application for” a license for clarity. Correspondingly, in subsection (b)(1) of this section, the reference to “the issuance of” a license is substituted for the former reference to “an application for” a license.

Also in subsection (a)(1) of this section, the reference to an “establishment” is substituted for the former reference to a “building” to conform to the terminology used throughout this article. Similarly, in subsection (b)(1) of this section, the reference to “an establishment” in Leonardtown is substituted for the former reference to “a premises” in Leonardtown.

Also in subsection (a)(1) of this section, the former reference to a license “to sell alcoholic beverages” is deleted as included in the defined term “license”.

In subsection (b)(2) of this section, the reference to “a premises that is already licensed” is substituted for the former reference to “any licensed premises after the licensed premises are there established” for clarity and brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the distance restriction established under former Art. 2B, § 9–219(b)(1), revised in subsection (a)(1) of this section, applies only to a kindergarten, an elementary school, or a secondary school, and not to a middle school.

Defined terms: “Board” § 28–101

“License” § 1–101

### **28–1603. DRIVE–THROUGH SALES PROHIBITED.**

**THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF–SALE PRIVILEGE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE–THROUGH SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:**

**(1) SOLD AT RETAIL; AND**

**(2) DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF–PREMISES CONSUMPTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–219(c), except as it related to the transfer of a license.

In the introductory language of this section, the reference to a “sales” facility is substituted for the former reference to a “purchase” facility for clarity.



Former Art. 2B, § 9–219(a), which stated that former Art. 2B, § 9–219 applied only in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 28–101

“License” § 1–101

“Off–sale” § 1–101

**28–1604. RESERVED.**

**28–1605. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**28–1606. RESERVED.**

### **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**28–1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”);**

**(2) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**(3) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**

**(4) § 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

**(B) VARIATION.**

**SECTION 4–305 (“FILING FEE AND ENDORSEMENT”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28–1702 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of the names of officers on licenses.

Defined terms: "County" § 28–101  
"License" § 1–101

## **28–1702. FEE.**

**THE FEE FOR A TRANSFER OF A LICENSE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(t)(2).

The former reference to an "assignment" is deleted as included in the reference to a "transfer".

Former Art. 2B, § 10–503(t)(1), which stated that former Art. 2B, § 10–503(t) applied only in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "License" § 1–101

## **28–1703. TRANSFER OF LICENSES PROHIBITED FOR DRIVE–THROUGHS.**

**THE BOARD MAY NOT TRANSFER AN OFF–SALE LICENSE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE–THROUGH PURCHASE FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF–PREMISES CONSUMPTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–219(c), as it related to the transfer of a license.

The former reference to a license "of any class" is deleted as unnecessary.

Defined terms: "Alcoholic beverage" § 1–101  
"Board" § 28–101  
"License" § 1–101  
"Off–sale" § 1–101

## **SUBTITLE 18. RENEWAL OF LICENSES.**

### **28–1801. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4-403 (“RENEWAL APPLICATION”);**
- (3) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”);**
- (4) § 4-406 (“PROTESTS”);**
- (5) § 4-409 (“MULTIPLE LICENSES”); AND**
- (6) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”) AND IS SUPERSEDED BY § 28-1802 OF THIS SUBTITLE; AND**
- (2) § 4-408 (“ISSUANCE OF RENEWED LICENSES”) AND IS SUPERSEDED BY § 28-1803 OF THIS SUBTITLE.**

**(C) VARIATION.**

**SECTION 4-407 (“DENIAL OF RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28-1804 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 28-101  
 “License” § 1-101

**28-1802. FILING PERIOD FOR RENEWAL APPLICATION.****(A) IN GENERAL.**

**TO RENEW A LICENSE, THE LICENSE HOLDER SHALL FILE AN APPLICATION WITH THE ADMINISTRATOR OF THE BOARD BETWEEN FEBRUARY 1 AND MARCH 3, INCLUSIVE.**

**(B) NEW LICENSE REQUIRED AFTER EXPIRATION.**

**A HOLDER OF AN EXPIRED LICENSE MAY APPLY TO THE BOARD FOR A NEW LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(r)(3) and (4).

In subsection (a) of this section, the former redundant reference to license renewal “for an additional term” is deleted as unnecessary.

Former Art. 2B, § 10–301(r)(1), which stated that former Art. 2B, § 10–301(r) applied only in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 28–101

“License” § 1–101

“License holder” § 1–101

**28–1803. ISSUANCE OF RENEWED LICENSES.**

**(A) ISSUANCE.**

**THE BOARD MAY ISSUE RENEWED LICENSES BETWEEN APRIL 1 AND MAY 1, INCLUSIVE.**

**(B) EXPIRATION DATE.**

**A LICENSE EXPIRES ON THE FIRST APRIL 30 AFTER ITS EFFECTIVE DATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(d)(2) and (r)(2).

In subsection (a) of this section, the reference to “renewed” licenses is substituted for the former reference to “new” licenses for clarity and accuracy.

Also in subsection (a) of this section, the former reference to the issuance of renewed licenses “at any time” between April 1 and May 1 is deleted as unnecessary.

In subsection (b) of this section, the former phrase “[u]nless an alcoholic beverages license is renewed for a 1–year term as provided in this subsection” is deleted as surplusage.

Defined terms: “Board” § 28–101

“License” § 1–101

#### **28–1804. DENIAL OF RENEWAL APPLICATION.**

##### **(A) AUTHORIZED FOR FELONY CONVICTION.**

**THE BOARD MAY DENY A LICENSE RENEWAL IF THE LICENSE HOLDER OR A STOCKHOLDER OF THE CORPORATION THAT USES THE LICENSE HAS BEEN CONVICTED OF A FELONY.**

##### **(B) HEARING.**

##### **THE BOARD:**

**(1) SHALL HOLD A PUBLIC HEARING BEFORE RENEWING A LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (A) OF THIS SECTION; AND**

**(2) MAY INQUIRE INTO ALL RELEVANT FACTS AND CIRCUMSTANCES CONCERNING THE FELONY OFFENSE AT THE HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(c–1), as it related to the effect of a felony conviction on license renewals in St. Mary’s County.

In subsection (a) of this section, the reference authorizing the Board to “deny” a license renewal is substituted for the former reference stating that a license renewal “may not be granted, at the discretion of the Board” for clarity and brevity.

In subsection (b)(1) of this section, the reference to license renewal “under the circumstances described in subsection (a) of this section” is added for clarity.

In subsection (b)(2) of this section, the reference to a “felony” offense is added for clarity.

Defined terms: “Board” § 28–101

“License” § 1–101

“License holder” § 1–101

#### **28–1805. HOLDERS OF OUT–OF–STATE LICENSES.**

**NOTWITHSTANDING § 28-1502 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(5), as it related to St. Mary's County and to the renewal of a license by a person who holds an out-of-state license.

The phrase “[n]otwithstanding § 28-1502 of this title,” is added to clarify that this section is an exception to § 28-1502.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out-of-state” license is substituted for the former reference to the “except[ion] by way of renewal, to a person, corporation, or limited liability company holding” an out-of-state license for clarity and to avoid the implication that a licensee can obtain an out-of-state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 28-101

“State” § 1-101

“Wine” § 1-101

**28-1806. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4-107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(d)(5).

Former Art. 2B, § 10-103(d)(2), which stated that former Art. 2B, § 10-103(d) applied only in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “License” § 1-101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**28-1901. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4-508 (“DISPLAY OF LICENSE”).**

**(B) VARIATION.**

**SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28-1902 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 28-101

“License” § 1-101

“License holder” § 1-101

**28-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.****(A) INDIVIDUALS AT LEAST 18 YEARS OLD.**

**AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY SERVE ALCOHOLIC BEVERAGES IN A RESTAURANT IN CONNECTION WITH SERVING A MEAL.**

**(B) INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

**AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT ACT AS A BARTENDER OR IN A SOLELY BAR-RELATED CAPACITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-219(a).

Throughout this section, references to an "individual" are substituted for the former references to a "person[s]" because this section applies only to human beings.

In subsection (b) of this section, the former reference to a "barmaid" is deleted as included in the reference to a "bartender".

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section, the phrase "bar-related capacity" is unclear.

Defined terms: "Alcoholic beverage" § 1-101  
"Restaurant" § 1-101

**28-1903. CONSUMERS ON PREMISES AFTER HOURS OF SALE ENDS — PROHIBITED.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CONSUMER MAY NOT REMAIN ON THE PREMISES OF AN ESTABLISHMENT THAT SELLS ALCOHOLIC BEVERAGES AFTER THE HOURS OF SALE END.**

**(B) SUNDAY MORNING EXCEPTION.**

**ON SUNDAY MORNING, A CONSUMER MAY REMAIN ON THE PREMISES OF AN ESTABLISHMENT THAT SELLS ALCOHOLIC BEVERAGES FOR ONE-HALF HOUR AFTER THE HOURS OF SALE END.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 11-519.

Defined terms: "Alcoholic beverage" § 1-101  
"Consumer" § 1-101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**28-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**



**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to St. Mary's County, (2).

In subsection (a)(1) of this section, the phrase "[u]nless otherwise provided under this title" is added for clarity.

Also in subsection (a)(1) of this section, the reference to an "individual" is substituted for the former reference to a "person" because the prohibition against consumption applies only to human beings.

In subsection (b) of this section, the reference to a person who "violates this section" is substituted for the former reference to a person who is "found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section" for brevity.

Also in subsection (b) of this section, the phrase "[e]xcept as provided in this section" is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine "not less than \$5" is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: "Alcoholic beverage" § 1-101  
"Person" § 1-101

**(A) CLASS A BEER LICENSE.**

**A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER LICENSE.**

**RESERVED.**

**(C) CLASS C BEER LICENSE.**

**RESERVED.**

**(D) CLASS D BEER LICENSE.**

**A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 11–519.

In subsections (a) and (d) of this section, the former phrase “notwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

Also in subsections (a) and (d) of this section, the former phrase “[t]he hours during which” is deleted as surplusage.

Defined term: “Beer” § 1–101

**28–2003. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER AND WINE LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER AND WINE LICENSE.**

**RESERVED.**

**(D) CLASS D BEER AND WINE LICENSE.**

**RESERVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-403(a)(1)(ii), as it related to the Class B license, and the first sentence of § 11-519.

In this section, references to a "beer and wine license" are substituted for the former references to a "beer and light wine license" to avoid confusion. In former Art. 2B, § 4-101(s), "light wine" was defined in the County as a fermented beverage containing up to 22% of alcohol by volume – a maximum amount sufficient to include fortified wines, thus rendering meaningless the traditional division of wine into light wines and fortified wines.

In subsections (a) and (b) of this section, references to "beer and wine" are substituted for the former references to "those alcoholic beverages for which [the license holder] is licensed" for clarity.

Also in subsections (a) and (b) of this section, the former phrase "[t]he hours during which" is deleted as surplusage.

Defined terms: "Beer" § 1-101

"License holder" § 1-101

"Wine" § 1-101

**28-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE,**

AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.

(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.

(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.

A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-303(a)(2)(vii), (b)(1), (c)(1), and (d)(1), 11-403(a)(1)(ii), and the first sentence of 11-519.

In this section, the former phrase “[t]he hours during which” is deleted as unnecessary.

In subsection (a) of this section, the former phrase “[t]he provisions of paragraph (1) of this subsection are superseded as follows” and “holders of a Class A-1 license may sell on Sunday” is deleted as redundant in light of former Art. 2B, § 11-519, which authorizes all license holders to sell on Sunday.

In subsections (b) and (c) of this section, the references to “license holder” is substituted for the former references to “retail dealer” for clarity.

Defined terms: “Beer” § 1-101  
“Wine” § 1-101

28-2005. JANUARY 1.

**AFTER A LICENSE HOLDER HAS FILED AN APPLICATION IN A FORM AND AT A TIME THAT THE BOARD REQUIRES, THE BOARD MAY ISSUE A PERMIT AUTHORIZING THE LICENSE HOLDER TO KEEP THE LICENSED PREMISES OPEN ON JANUARY 1.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(t)(2).

The former reference to a "special" permit is deleted as surplusage.

The former reference to January 1 "of any year" is deleted as surplusage.

Former Art. 2B, § 11-402(t)(1), which stated that former Art. 2B, § 11-402(t) applied only in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 28-101

"License holder" § 1-101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **28-2101. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 6 ("REVOCATION AND SUSPENSION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(15), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "County" § 28-101

"License" § 1-101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **28-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 ("EXPIRATION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 28–101  
“License” § 1–101

### **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

#### **28–2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 28–101  
“License holder” § 1–101

### **SUBTITLE 24. JUDICIAL REVIEW.**

#### **28–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 28–101

#### **28–2402. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(4)(ii)11.

The reference to the “circuit court for the County” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 28–101  
“County” § 28–101

### **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**28-2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**(A) IN GENERAL.**

**AN ESTABLISHMENT NOT LICENSED BY THE BOARD, AT A LOCATION UNDER THE CONTROL OR POSSESSION OF THE ESTABLISHMENT, MAY NOT:**

**(1) SELL OR SERVE ALCOHOLIC BEVERAGES TO A MEMBER OR GUEST;**

**(2) KEEP ALCOHOLIC BEVERAGES FOR A MEMBER OR GUEST;**

**(3) ALLOW A CUSTOMER TO CONSUME OR TO BE SERVED ALCOHOLIC BEVERAGES FROM THE SUPPLIES THAT THE CUSTOMER HAS PREVIOUSLY PURCHASED OR RESERVED; OR**

**(4) SELL, SERVE, KEEP, OR ALLOW TO BE CONSUMED SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS TO A MEMBER OR GUEST.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES AN ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20-109.

Subsection (a) of this section is revised as an enumeration of prohibited activities for an unlicensed establishment, rather than as the definition of "bottle club", for clarity and brevity. In the former law, a "bottle club" was defined as an unlicensed establishment that conducts certain activities. The former law then prohibited a bottle club from conducting those activities.

In the introductory language of subsection (a) of this section, the phrase "not licensed by the Board" is added for clarity.

In subsection (a) of this section, the term “establishment” is substituted for the former defined term “bottle club.” Actions that were formerly included within the former defined term “bottle club” are prohibited under the substantive provisions of this subsection.

Also in subsection (a) of this section, the former references to “giv[ing]” and “dispens[ing]” alcoholic beverages are deleted as included in the references to “serv[ing]” alcoholic beverages.

Also in subsection (a) of this section, the former reference to a bottle club used “to evade the alcoholic beverage license laws or hours of operation” is deleted in light of the revised structure of this section.

In subsection (b) of this section, the reference to the “establishment” is substituted for the former reference to an “unlicensed building” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

## **28–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

### **(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

### **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

### **(C) PENALTY.**



**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsections (a)(1) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
 “Person” § 1–101

## **SUBTITLE 26. ENFORCEMENT.**

### **28–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–204 (“POWER TO SUMMON WITNESSES”);**
- (4) § 6–205 (“PEACE OFFICERS”);**

(5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);

(6) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);

(7) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(8) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND

(9) § 6–211 (“FINES AND FORFEITURES”).

(B) EXCEPTION.

**SECTION 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 28–2602 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 28–101

“State” § 1–101

**28–2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

**THE COUNTY MAY:**

(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6–319 OF THIS ARTICLE; AND

(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR ON A HIGHWAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–103(a)(11).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–319 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 28–101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **28–2701. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**
- (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**
- (3) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (4) § 6–310 (“PROVIDING FREE FOOD”);**
- (5) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (6) § 6–312 (“BEVERAGE MISREPRESENTATION”);**
- (7) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**
- (8) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);**
- (9) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);**

- (10) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);
- (11) § 6–320 (“DISORDERLY INTOXICATION”);
- (12) § 6–321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (13) § 6–322 (“POSSESSION OF OPEN CONTAINER”);
- (14) § 6–323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (15) § 6–326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (16) § 6–327 (“TAX EVASION”);
- (17) § 6–328 (“DESTRUCTION OF EVIDENCE”); AND
- (18) § 6–329 (“PERJURY”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- (1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 28–2702 OF THIS SUBTITLE;
- (2) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 28–2703 OF THIS SUBTITLE; AND
- (3) §§ 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”) AND 6–319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”), SUBJECT TO § 28–2704 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 28–101

“License holder” § 1-101

“Retail dealer” § 1-101

**28-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR LICENSE HOLDERS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “finder of fact” is substituted for the former reference to the “jury or the court sitting as a jury” for brevity.

Also in subsection (b)(1) of this section, the former phrase “in fact” is deleted as surplusage.

Former Art. 2B, § 12–108(f)(1)(ix), which stated that the provisions of former Art. 2B, § 12–108(f) applied in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 28–101

“License holder” § 1–101

“State” § 1–101

**28–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR AN EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

Defined terms: “Board” § 28–101

“License holder” § 1–101

“State” § 1–101

**28–2704. ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER — EXCEPTION.**

**SECTIONS 6–308 AND 6–319 OF THIS ARTICLE DO NOT APPLY TO:**

**(1) A CLASS C BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ISSUED TO A BONA FIDE RELIGIOUS, FRATERNAL, CIVIC, VETERANS’, HOSPITAL, OR CHARITABLE ORGANIZATION; OR**

**(2) A LICENSE ISSUED TO AN OUTDOOR MOTOR SPORTS FACILITY THAT IS LOCATED IN MECHANICSVILLE OR BUDDS CREEK.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–107(b)(7).

The reference to a “Class C beer license, beer and wine license, or beer, wine, and liquor license” is substituted for the former reference to “[s]pecial licenses issued ... under § 7–101(r) of this article” for clarity.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Wine” § 1–101

**28–2705. GIFTS TO BOARD MEMBER OR BOARD EMPLOYEE PROHIBITED.**

**(A) IN GENERAL.**

**A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES, AN AGENT OR EMPLOYEE OF THE PERSON, OR A LICENSE HOLDER MAY NOT, DIRECTLY OR INDIRECTLY, OFFER OR MAKE A PAYMENT OR GIFT TO:**

**(1) A MEMBER OF THE BOARD;**

**(2) AN EMPLOYEE OF THE BOARD; OR**

**(3) A PERSON ACTING ON BEHALF OF A MEMBER OR AN EMPLOYEE OF THE BOARD.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–102(h)(1)(ii) and (2).

In the introductory language of subsection (a) of this section, the former references to a “corporation” are deleted as included in the defined term “person”.

Also in the introductory language of subsection (a) of this section, the reference to “offer or make a payment or gift” is substituted for the former reference to “offer to pay any commission, profit or remuneration or make any gift” for brevity.

Also in the introductory language of subsection (a) of this section, the defined term “license holder” is substituted for the former reference to a “licensee licensed under the provisions of this article” for brevity and consistency throughout this article.

Also in the introductory language of subsection (a) of this section, the former reference to “beer or other” alcoholic beverages is deleted as included in the defined term “alcoholic beverage”.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 28–101

“License holder” § 1–101

“Person” § 1–101

## **SUBTITLE 28. PENALTIES.**

### **28–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 28–101

### **28–2802. LOCAL PENALTIES.**

**(A) IN GENERAL.**

**A PERSON WHO VIOLATES A LAW RELATING TO:**



**(1) LICENSING THE SALE OF ALCOHOLIC BEVERAGES IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000; AND**

**(2) HOURS OR DAYS FOR THE SALE OF ALCOHOLIC BEVERAGES IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT OR A FINE NOT EXCEEDING \$250 OR BOTH.**

**(B) LICENSE VIOLATION.**

**FOR A LICENSE VIOLATION, THE BOARD MAY REVOKE OR SUSPEND A LICENSE OR IMPOSE A FINE ON THE LICENSE HOLDER OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(t).

In subsection (a)(1) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*, 123 Md. 373, 378 (1914).

In subsection (a)(2) of this section, the reference to “imprisonment” is substituted for the former reference to “confined in the county jail or the House of Correction” for brevity and consistency with other similar provisions of the Code.

Also in subsection (a)(2) of this section, the former reference to “trial and” conviction is deleted as surplusage.

Also in subsection (a)(2) of this section, the former references to imprisonment “not less than 60 days” and a fine “not less than \$50” are deleted as unenforceable in light of § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 28–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

**TITLE 29. SOMERSET COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.****29–101. DEFINITIONS.****(A) IN GENERAL.****IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR SOMERSET COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Somerset County”.

**(C) COUNTY.**

**“COUNTY” MEANS SOMERSET COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to “Somerset County”.

**29–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN SOMERSET COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**29–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 29–101

#### GENERAL REVISOR'S NOTE TO SUBTITLE

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(u), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

### **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

#### **29–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR SOMERSET COUNTY.**

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Somerset County exists.

#### **29–202. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.**

**(B) QUALIFICATIONS.**

**(1) EACH MEMBER OF THE BOARD SHALL BE:**

**(I) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(2) NOT MORE THAN TWO MEMBERS MAY BELONG TO THE SAME POLITICAL PARTY.**

**(C) TENURE.**

**THE TERM OF A MEMBER IS 2 YEARS.**

**(D) VACANCIES.**

**(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(E) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS MADE ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(3) and (4) and (u)(2), (3), and the second clause of (4) and 15–110(a).

In subsection (a) of this section, the reference to “members” is substituted for the former reference to “persons” to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the reference to “the advice and consent of” the Senate is substituted for the former reference to “confirmation by” the Senate for clarity.

Also in subsection (a) of this section, the former reference to members “constitut[ing]” the Board is deleted as surplusage.

In subsection (b)(1)(i) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Somerset County.

In subsection (b)(1)(ii) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” may serve as a member of a board of license commissioners.

In subsection (c) of this section, the former phrase “who hold office” is deleted as surplusage.

Subsection (d) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(u)(1), which provided that former subsection (u) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 29–101

“County” § 29–101

**29–203. CHAIR.**

**IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first clause of former Art. 2B, § 15–101(u)(4).

The reference to “[i]n making the appointments, the Governor” is added to make explicit what was only implied in the former law, that the Governor is required to designate a chair.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Defined term: “Board” § 29–101

**29–204. SALARIES; EXPENSES; STAFF.**

**(A) SALARIES; EXPENSES.**

**(1) THE CHAIR OF THE BOARD SHALL RECEIVE A SALARY OF \$3,500 ANNUALLY.**

**(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE A SALARY OF \$3,000 ANNUALLY.**

**(3) THE COUNTY COMMISSIONERS SHALL PAY THE SALARIES OF THE MEMBERS OF THE BOARD.**

**(4) THE COUNTY COMMISSIONERS MAY PAY FOR EXPENSES OF THE BOARD, INCLUDING:**

**(I) SALARIES OF PERSONNEL OTHER THAN MEMBERS OF THE BOARD; AND**

**(II) COSTS OF PRINTING, SUPPLIES, AND OTHER EXPENSES RELATED TO THE OPERATION OF THE BOARD.**

**(B) STAFF.**

**THE BOARD MAY:****(1) EMPLOY:****(I) A SECRETARY;****(II) INSPECTORS; AND****(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND****(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, SET THE COMPENSATION OF THE EMPLOYEES.****(C) CLERK AND ATTORNEY.****THE BOARD:****(1) SHALL APPOINT A CLERK TO THE BOARD AT A SALARY OF \$3,500 ANNUALLY; AND****(2) MAY DESIGNATE AN ATTORNEY FOR THE BOARD AT A SALARY OF \$4,000 ANNUALLY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(u) and 15–112(a)(2) and (u)(2).

In subsection (a)(1) of this section, the reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (a)(2) of this section, the reference to each “other” member of the Board is added for clarity.

In subsection (a)(3) of this section, the requirement that the County Commissioners “pay” Board salaries is substituted for the former requirement that the County Commissioners “provide a sum sufficient to pay” Board salaries for clarity and brevity. Similarly, in subsection (a)(4) of this section, the authorization for the County Commissioners to “pay” Board expenses is substituted for the former authorization for the County Commissioners to “provide a sum sufficient to pay” Board expenses.

In subsection (b)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Former Art. 2B, § 15–112(u)(1), which provided that former Art. 2B, § 15–112(u) applied only in Somerset County is deleted as surplusage.

Defined terms: “Board” § 29–101  
“County” § 29–101

## **29–205. REGULATIONS.**

### **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Somerset County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 29–101

### **SUBTITLE 3. LIQUOR CONTROL BOARD.**

## **29–301. DEFINITIONS.**

### **(A) IN GENERAL.**

**IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: This subsection is new language added as the standard introductory language to a definition section.

### **(B) DISPENSARY.**

**“DISPENSARY” MEANS A STORE ESTABLISHED AND MAINTAINED BY THE LIQUOR CONTROL BOARD FOR THE SALE OF ALCOHOLIC BEVERAGES.**



REVISOR'S NOTE: This subsection is new language added to provide a convenient reference to a store established and maintained by the Liquor Control Board.

Defined terms: "Alcoholic beverage" § 1-101  
"Liquor Control Board" § 29-301

**(C) LIQUOR CONTROL BOARD.**

**"LIQUOR CONTROL BOARD" MEANS THE LIQUOR CONTROL BOARD FOR THE COUNTY.**

REVISOR'S NOTE: This subsection is new language added to provide a convenient reference to the Liquor Control Board for the County.

Defined term: "County" § 29-101

**29-302. ESTABLISHED.**

**THERE IS A LIQUOR CONTROL BOARD FOR SOMERSET COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-201(a)(1) and, as it related to Somerset County, § 15-210.

**29-303. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE LIQUOR CONTROL BOARD.**

**(B) QUALIFICATIONS.**

**EACH MEMBER OF THE LIQUOR CONTROL BOARD SHALL BE:**

**(1) A RESIDENT AND VOTER IN THE COUNTY; AND**

**(2) AN INDIVIDUAL OF HIGH CHARACTER, INTEGRITY, AND RECOGNIZED BUSINESS CAPACITY.**

**(C) RESTRICTIONS.**

**(1) A MEMBER OF THE LIQUOR CONTROL BOARD MAY NOT:**

(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE MANUFACTURE, PURCHASE, OR SALE OF ALCOHOLIC BEVERAGES; OR

(II) DERIVE PROFIT OR REMUNERATION FROM THE PURCHASE OR SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY PAYABLE FOR THE DISCHARGE OF THE DUTIES OF THE OFFICE.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

(D) TENURE.

THE TERM OF A MEMBER IS 4 YEARS AND BEGINS ON JUNE 1.

(E) VACANCIES.

IF A VACANCY OCCURS, IT SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–201(b)(1)(i) and (ii), (c)(1) and (2), (d)(3), (e)(2)(iii), (j)(1), and the first sentence of (f) and, as it related to membership in a liquor control board, § 15–208(a).

In subsection (c)(1)(ii) of this section, the former reference to “wages” is deleted as included in the reference to a “salary”.

In subsection (e) of this section, the former phrase “[e]xcept as provided in paragraph (2) of this subsection” is deleted as unnecessary because former paragraph (2) did not apply to the County.

Also in subsection (e) of this section, the former phrase “for any reason whatsoever” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 29–101

“Liquor Control Board” § 29–301

“Person” § 1–101

#### **29–304. CHAIR.**

THE LIQUOR CONTROL BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–201(g).

The reference to electing a chair “from among its members” is added for clarity and consistency within the Code. *See, e.g.*, CP § 16–301(e).

The former reference requiring a liquor control board to “organize by” electing a chair is deleted for clarity and brevity.

Defined term: “Liquor Control Board” § 29–301

### **29–305. MEETINGS; SALARIES; STAFF.**

#### **(A) MEETINGS.**

**THE LIQUOR CONTROL BOARD SHALL MEET AT LEAST TWICE EACH MONTH.**

#### **(B) SALARIES.**

**(1) THE CHAIR OF THE LIQUOR CONTROL BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$2,500.**

**(2) THE OTHER MEMBERS OF THE LIQUOR CONTROL BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$2,000.**

#### **(C) STAFF.**

**(1) THE LIQUOR CONTROL BOARD SHALL APPOINT EMPLOYEES NECESSARY TO OPERATE THE DISPENSARY SYSTEM, SET EMPLOYEE COMPENSATION, AND REQUIRE A BOND FOR THE FAITHFUL PERFORMANCE OF EMPLOYEE DUTIES.**

**(2) (i) AN EMPLOYEE OF THE LIQUOR CONTROL BOARD MAY NOT:**

**1. HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

**2. DERIVE PROFIT OR REMUNERATION FROM THE SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE DISCHARGE OF THE DUTIES OF THE OFFICE.**

**(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–205(a)(1)(i), 15–201(h)(5) and (i)(2), and, as it related to employees of the Liquor Control Board, § 15–208(a).

In subsection (b) of this section, the references to the “salary” of Liquor Control Board members are substituted for the former reference to “compensation” for the members for clarity and consistency within this revised article.

In subsection (c)(1) of this section, the former reference to the duties “of the ... position, as herein prescribed or authorized” is deleted as surplusage.

In subsection (c)(2)(ii) of this section, the reference to the defined term “person” who performs specific prohibited acts is substituted for the former reference to “any employee of said board” who performs specific prohibited acts for clarity and brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Dispensary” § 29–301

“Liquor Control Board” § 29–301

“Person” § 1–101

## **29–306. MONOPOLY CONTROL.**

**SUBJECT TO § 1–309 OF THIS ARTICLE, THE LIQUOR CONTROL BOARD HAS A MONOPOLY ON THE SALE AND DISTRIBUTION OF LIQUOR IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–203(a)(3)(i) and 15–204(a) and (c).

The reference to “liquor” is substituted for the former reference to “particular alcoholic beverages which elsewhere in this subtitle it is empowered to sell” and to the former references excluding the sale of beer and the sale and distribution of light wine from monopoly control for brevity and clarity.

Defined terms: “County” § 29–101

“Liquor Control Board” § 29–301

## **29–307. BORROWING POWER.**

**(A) LOANS FROM COUNTY COMMISSIONERS TO LIQUOR CONTROL BOARD.**

**(1) THE COUNTY COMMISSIONERS MAY LOAN MONEY TO THE LIQUOR CONTROL BOARD TO PROVIDE THE LIQUOR CONTROL BOARD WITH ADEQUATE WORKING CAPITAL TO ACQUIRE, ESTABLISH, AND OPERATE THE DISPENSARY SYSTEM AND WAREHOUSE FACILITIES.**

**(2) THE COUNTY COMMISSIONERS MAY FINANCE A LOAN UNDER THIS SUBSECTION BY ISSUING NOTES, CERTIFICATES OF INDEBTEDNESS, OR BONDS AS THE COUNTY COMMISSIONERS FIND NECESSARY.**

**(B) LOANS FROM BANKING INSTITUTIONS.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LIQUOR CONTROL BOARD MAY BORROW MONEY FROM A BANKING INSTITUTION ON THE LIQUOR CONTROL BOARD'S OWN CREDIT.**

**(2) THE AGGREGATE SUM LOANED TO OR BORROWED BY THE LIQUOR CONTROL BOARD MAY NOT EXCEED \$150,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-202(a) and (b)(1) and (2)(i).

In subsections (a)(1) and (b)(1) of this section, the former phrase "from time to time" is deleted as surplusage. Similarly, in subsection (a)(1) and (2) of this section, the references stating that the County Board of Commissioners "may" loan or finance a loan are substituted for the former references stating that a county "is hereby authorized and empowered" to loan or finance a loan for brevity.

In subsection (a)(1) of this section, the reference authorizing a county to "loan" money to a county dispensary is substituted for the former reference authorizing a county to "advance" money to a county dispensary for clarity.

Also in subsection (a)(1) of this section, the former reference to "branch dispensaries" is deleted as included in the reference to the "dispensary system".

Also in subsection (a)(1) of this section, the former reference to dispensary system and warehouse facilities "as found necessary under this subtitle" is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to dispensaries and warehouses "as found necessary under this subtitle" is deleted as implicit in the authority of a county to establish a county dispensary system.

Also in subsection (a)(1) of this section, the former reference to “a sum of” money is deleted as unnecessary.

In subsection (a)(2) of this section, the reference authorizing a county to “finance a loan under this subsection” is substituted for the former reference authorizing a county to “borrow upon the credit of the county” to advance money to a liquor control board expressly states what was only implicit in the former law, that the County may finance a loan.

Former Art. 2B, § 15–202(c)(1), which stated that the interest rate provided in former Art. 2B, § 15–202(c)(2) does not apply in Somerset County, is deleted in light of the organization of this revised article.

Defined terms: “County” § 29–101

“Dispensary” § 29–301

“Liquor Control Board” § 29–301

#### **29–308. OTHER POWERS.**

**SUBJECT TO § 1–309 OF THIS ARTICLE, THE LIQUOR CONTROL BOARD MAY:**

**(1) PURCHASE FROM A HOLDER OF A WHOLESALER’S LICENSE OR MANUFACTURER’S LICENSE ALCOHOLIC BEVERAGES THAT THE LIQUOR CONTROL BOARD IS AUTHORIZED TO SELL AND ON WHICH THE EXCISE TAX IMPOSED BY § 5–102 OF THE TAX – GENERAL ARTICLE IS PAID;**

**(2) (I) PURCHASE FROM A HOLDER OF A RESIDENT OR NONRESIDENT DEALER’S PERMIT AND IMPORT FOR RESALE ALCOHOLIC BEVERAGES THAT THE LIQUOR CONTROL BOARD IS AUTHORIZED TO SELL; AND**

**(II) RESELL THE ALCOHOLIC BEVERAGES ONCE THE EXCISE TAX IS PAID;**

**(3) SELL ALCOHOLIC BEVERAGES IN SEALED CONTAINERS AT PRICES THAT IT DETERMINES AND THAT ARE UNIFORM IN ALL DISPENSARIES;**

**(4) REFUSE TO SELL ALCOHOLIC BEVERAGES TO A PERSON THAT, IN THE JUDGMENT OF THE LIQUOR CONTROL BOARD, IS NOT SUITABLE TO PURCHASE OR CONSUME THE ALCOHOLIC BEVERAGES;**

**(5) RESTRICT BY ANY METHOD THE QUANTITY OF ALCOHOLIC BEVERAGES THAT MAY BE SOLD TO AN INDIVIDUAL CONSUMER OR LICENSE HOLDER AT OR DURING ANY TIME;**

**(6) ENTER INTO A CONTRACT OR ADOPT REGULATIONS NECESSARY OR DESIRABLE TO CARRY OUT THIS ARTICLE;**

**(7) SELL AND SHIP OUTSIDE OF THE COUNTY A CONTAINER OR PACKAGE OF ALCOHOLIC BEVERAGES KEPT FOR SALE IN A DISPENSARY, IF NOT PROHIBITED BY LAW IN THE PLACE WHERE THE SHIPMENT IS CONSIGNED;**

**(8) SUBJECT TO THE APPROVAL OF THE COUNTY COMMISSIONERS, RENT, LEASE, OR PURCHASE PREMISES NECESSARY FOR THE OPERATION OF THE DISPENSARIES; AND**

**(9) ESTABLISH THE HOURS OF SALE FOR DISPENSARIES, OUTSIDE OF WHICH A DISPENSARY MAY NOT REMAIN OPEN.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–205(b), (c), (d), (f), (g), (h), and (e)(1).

In the introductory language of this section, the reference stating that the Liquor Control Board “may” perform certain functions is substituted for the former reference stating that the liquor control board “shall have full power and authority” to perform these functions for clarity and brevity.

Also in the introductory language of this section, the former reference to the liquor control board “of each county” is deleted as unnecessary, since this section applies only to the Liquor Control Board for Somerset County.

In item (1) of this section, the former reference authorizing the purchase of “any sparkling or fortified wine” is deleted as included in the reference authorizing the purchase of “alcoholic beverages”.

In item (2)(i) of this section, the reference to the resale of alcoholic beverages “that the Liquor Control Board is authorized to sell” is added to state expressly what was only implied in the former law.

Also in item (2)(i) of this section, the former reference to the sale of alcoholic beverages “as hereinafter provided” is deleted as surplusage. Similarly, in item (3) of this section, the former reference to the sale of alcoholic beverages “as above provided” is deleted.

In item (3) of this section, the reference to the defined term “dispensaries” is substituted for the former reference to “stores” in the county for consistency within this subtitle.

Also in item (3) of this section, the former phrase “in the said county” is deleted as included in the defined term “dispensaries”.

In item (5) of this section, the reference to restricting the sale of alcoholic beverages “during” any time is substituted for the former reference to any “given ... period” for brevity.

Also in item (5) of this section, the former reference to the authority of the Liquor Control Board to “limit” the sale of alcoholic beverages is deleted as included in the reference to the authority of the Liquor Control Board to “restrict” the sale of alcoholic beverages.

Also in item (5) of this section, the former reference to a “system” of restricting the sale of alcoholic beverages is deleted as included in the reference to a “method” of restricting the sale of alcoholic beverages.

Also in item (5) of this section, the former reference to a method of restricting the sale of alcoholic beverages “as may be prescribed by the liquor control board” is deleted as implicit in the authority of the Liquor Control Board to restrict alcoholic beverages sales.

In item (6) of this section, the references to the authority of the Liquor Control Board to “enter” a contract or “adopt” a regulation are substituted for the former reference to the authority of the Liquor Control Board to “make” a contract or regulation for clarity and to conform to the terminology used elsewhere in the revised Code. *See, e.g.*, EC §§ 3–303 and 10–209(a)(5) and HS § 4–606.

Also in item (6) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

Also in item (6) of this section, the former reference to “the powers conferred upon [the Liquor Control Board] by” this article is deleted as unnecessary.

In item (7) of this section, the former reference to a prohibited act “applicable” by law in a specified place is deleted as unnecessary.

In item (9) of this section, the reference authorizing a liquor control board to “establish” hours of sale for county dispensaries is substituted for the former reference authorizing a liquor control board to “fix” hours of sale for county dispensaries for clarity.

Also in item (9) of this section, the reference to hours “of sale” is substituted for the former reference to hours “for opening and closing” for clarity.

Also in item (9) of this section, the former reference prohibiting the sale of alcoholic beverages at specific times is deleted as implicit in the establishment of hours of sale.



- “Consumer” § 1–101
- “County” § 29–101
- “Dispensary” § 29–301
- “License holder” § 1–101
- “Liquor Control Board” § 29–301
- “Manufacturer’s license” § 1–101
- “Person” § 1–101
- “Wholesaler’s license” § 1–101

### **29–309. DISPENSARIES.**

#### **(A) ESTABLISHED.**

**THE LIQUOR CONTROL BOARD MAY ESTABLISH AND MAINTAIN STORES KNOWN AS “DISPENSARIES”.**

#### **(B) AUTHORIZED SALE ITEMS.**

##### **A DISPENSARY:**

- (1) MAY SELL ANY ALCOHOLIC BEVERAGE EXCEPT BEER; AND**
- (2) SHALL SELL ALCOHOLIC BEVERAGES IN SEALED PACKAGES OR CONTAINERS.**

#### **(C) AUTHORIZED LOCATIONS.**

**THE LIQUOR CONTROL BOARD MAY ESTABLISH AND MAINTAIN A DISPENSARY ONLY IN:**

- (1) CRISFIELD;**
- (2) THE WEST PRINCESS ANNE ELECTION DISTRICT; AND**
- (3) THE DUBLIN ELECTION DISTRICT.**

#### **(D) PROHIBITED ACTS.**

**A PERSON MAY NOT OPEN OR CONSUME THE CONTENTS OF A SEALED PACKAGE OR CONTAINER CONTAINING ALCOHOLIC BEVERAGES ON THE PREMISES OF THE DISPENSARY WHERE SOLD.**

#### **(E) ISSUANCE OR DENIAL OF LICENSE PROVISIONS NOT APPLICABLE.**

**TITLE 4, SUBTITLE 2 OF THIS ARTICLE DOES NOT APPLY TO THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–102(e) and 15–203(a)(1) and (3)(i) and (e).

In subsection (d) of this section, the reference to a package or container “containing alcoholic beverages” is added for clarity.

Also in subsection (d) of this section, the phrase “of the dispensary” is added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Dispensary” § 29–301

“Liquor Control Board” § 29–301

“Person” § 1–101

**29–310. DISTRIBUTION OF PROCEEDS.****(A) DEBT REPAYMENT.**

**THE LIQUOR CONTROL BOARD SHALL APPLY PROCEEDS DERIVED FROM THE OPERATION OF DISPENSARIES FIRST TOWARD THE REPAYMENT OF MONEY ADVANCED TO OR BORROWED BY THE LIQUOR CONTROL BOARD.**

**(B) RESERVE FUND.**

**(1) AFTER REPAYMENT UNDER SUBSECTION (A) OF THIS SECTION, THE LIQUOR CONTROL BOARD MAY MAINTAIN A RESERVE FUND NOT EXCEEDING \$150,000 TO:**

**(I) PROVIDE ADEQUATE WORKING CAPITAL; AND**

**(II) COVER ANY LOSSES SUSTAINED BY THE LIQUOR CONTROL BOARD IN OPERATING THE DISPENSARIES.**

**(2) THE LIQUOR CONTROL BOARD MAY DISTRIBUTE UP TO \$50,000 FROM THE RESERVE FUND TO EACH DISPENSARY.**

**(C) PAYMENTS TO COUNTY AND MUNICIPALITIES.**

**OF THE PROCEEDS GENERATED BY THE DISPENSARIES IN EXCESS OF THE AMOUNT REQUIRED TO MAINTAIN THE RESERVE FUND, THE LIQUOR CONTROL BOARD ANNUALLY SHALL DISTRIBUTE:**

**(1) BY MAY 1, TO THE COUNTY:**

**(I) 75% OF THE REMAINING PROCEEDS GENERATED BY THE DISPENSARIES IN CRISFIELD AND THE WEST PRINCESS ANNE ELECTION DISTRICT; AND**

**(II) ALL OF THE REMAINING PROCEEDS GENERATED BY THE DISPENSARY IN THE DUBLIN ELECTION DISTRICT; AND**

**(2) BY JUNE 1, TO THE CITY OF CRISFIELD AND THE TOWN OF PRINCESS ANNE, IN EQUAL AMOUNTS, 25% OF THE REMAINING PROCEEDS GENERATED BY THE DISPENSARIES IN CRISFIELD AND THE WEST PRINCESS ANNE ELECTION DISTRICTS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-207(f).

In subsection (a) of this section, the requirement to apply profits "first" to repayment of debt is added for clarity and to state expressly what was only implied under the former law.

Also in subsection (a) of this section, the reference to "proceeds" is substituted for the former reference to "net profits" for consistency within this revised article.

In the introductory language of subsection (b)(1) of this section, the former reference to repayment "of the money" is deleted as unnecessary.

In subsection (b)(1)(ii) of this section, the reference to the authority to "cover" losses is substituted for the former reference to the authority to "meet" losses for clarity.

In subsection (b)(2) of this section, the reference that the Liquor Control Board "may distribute up to" \$50,000 to each dispensary is substituted for the former reference that each dispensary "shall receive ... up to" \$50,000 for clarity and because the ceiling referenced under the source law makes that provision discretionary.

In the introductory language of subsection (c) of this section, the reference requiring the Liquor Control Board to "distribute" remaining proceeds is substituted for the former references requiring remaining proceeds to be "remitted" for clarity.

Defined terms: "County" § 29-101  
"Dispensary" § 29-301

“Liquor Control Board” § 29–301

**29–311. RECORDS AND REPORTS.**

**(A) RECORDS REQUIREMENT.**

**(1) THE LIQUOR CONTROL BOARD SHALL KEEP ACCURATE RECORDS OF ALL PURCHASES OF ALCOHOLIC BEVERAGES.**

**(2) THE RECORDS SHALL BE OPEN TO INSPECTION BY THE COMPTROLLER DURING REGULAR BUSINESS HOURS.**

**(B) ANNUAL REPORT.**

**(1) THE LIQUOR CONTROL BOARD SHALL PREPARE AND FORWARD TO THE COUNTY COMMISSIONERS AN ANNUAL REPORT FOR THE PERIOD ENDING ON APRIL 30.**

**(2) THE REPORT SHALL CONTAIN A COMPLETE STATEMENT OF THE BUSINESS CONDUCTED BY THE LIQUOR CONTROL BOARD AND THE OPERATIONAL ACHIEVEMENTS OF THE DISPENSARY SYSTEM.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–206(a).

In subsection (a)(2) of this section, the former reference to the Comptroller “or any of his deputies” is deleted for brevity.

In subsection (b)(2) of this section, the reference to a statement of “operational achievements” is substituted for the former reference to a statement of “results of the operation” for clarity.

Also in subsection (b)(2) of this section, the former reference to a “full” statement of business transacted is deleted as included in the reference to a “complete” statement of business transacted.

Also in subsection (b)(2) of this section, the former reference to a county dispensary system “established under the authority of this subtitle” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Dispensary” § 29–301

“Liquor Control Board” § 29–301

**SUBTITLE 4. MANUFACTURER'S LICENSES.****29-401. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-201 ("ISSUANCE BY COMPTROLLER");**
- (2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**
- (3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**
- (4) § 2-205 ("CLASS 3 WINERY LICENSE");**
- (5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**
- (6) § 2-207 ("CLASS 5 BREWERY LICENSE");**
- (7) § 2-209 ("CLASS 7 MICRO-BREWERY LICENSE");**
- (8) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**
- (9) § 2-211 ("RESIDENCY REQUIREMENT");**
- (10) § 2-212 ("ADDITIONAL LICENSES");**
- (11) § 2-213 ("ADDITIONAL FEES");**
- (12) § 2-214 ("SALE OR DELIVERY RESTRICTED");**
- (13) § 2-215 ("BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED");**
- (14) § 2-216 ("INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS");**
- (15) § 2-217 ("DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES"); AND**

**(16) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND**

**(2) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”).**

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Subsection (b)(2) of this section is new language derived without substantive change from former Art. 2B, § 2–207(a)(4)(iv).

Former Art. 2B, § 2–208(b)(2)(xx), which provided that a Class 7 micro–brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 29–101  
“Manufacturer’s license” § 1–101

**29–402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(b)(14).

Defined terms: “Alcoholic beverage” § 1–101  
“Manufacturer’s license” § 1–101

**SUBTITLE 5. WHOLESALER’S LICENSES.**

**29-501. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);
- (2) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);
- (3) § 2-305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);
- (4) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);
- (5) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);
- (6) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);
- (7) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);
- (8) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (9) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- (10) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (11) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (12) § 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (13) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);
- (14) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (15) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY, SUBJECT TO § 29–504 OF THIS SUBTITLE:**

**(1) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”); AND**

**(2) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”).**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 29–101  
“Wholesaler’s license” § 1–101

**29–502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 29–503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(a).

Defined terms: “Alcoholic beverage” § 1–101  
“Wholesaler’s license” § 1–101

**29–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

**(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

**A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.**

**(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**



**THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101  
“Wholesaler’s license” § 1–101

#### **29–504. RESTRICTION ON SALES.**

**A HOLDER OF A CLASS 1 BEER, WINE, AND LIQUOR OR CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE MAY NOT SELL OR DELIVER LIQUOR IN THE COUNTY FOR RESALE EXCEPT TO A COUNTY DISPENSARY.**

REVISOR'S NOTE: This section is new language added to incorporate the restrictions in Subtitle 3 of this title regarding the sale of alcoholic beverages by wholesalers in Somerset County.

Defined terms: “County” § 29–101  
“Wholesaler’s license” § 1–101

### **SUBTITLE 6. BEER LICENSES.**

**29–601. CLASS A BEER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A PREMISES HAVING A DIRECT OR INDIRECT CONNECTION WITH A DRUG OR PHARMACEUTICAL DISPENSING BUSINESS OR OTHER BUSINESS ESTABLISHMENT OF A TYPE COMMONLY KNOWN AS A DRUGSTORE.**

**(3) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(4) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$126 FOR A 6–DAY LICENSE; AND**

**(2) \$158 FOR A 7–DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(a)(1) and (u)(2) through (4).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “[a] license may not be issued” is substituted for the former phrase “[a] person may not hold a license” to conform to other similar provisions of this article.

Also in subsection (b)(2) of this section, the former phrase “referred to as” is deleted as surplusage.

In subsection (b)(3) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Former Art. 2B, § 3–101(u)(1), which stated that former Art. 2B, § 3–101(u) applied in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
 “Consumer” § 1–101  
 “7–day license” § 1–101  
 “6–day license” § 1–101

## **29–602. CLASS B BEER LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.**

### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$253.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(u) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

### **29–603. CLASS C BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$32.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(u) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

### **29–604. CLASS D BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$253.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(u) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined term: "Beer" § 1-101

**SUBTITLE 7. WINE LICENSES.****29-701. CLASS A WINE LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$63.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(17), (b)(6), (c)(1), (d)(1), and (e)(1)(vii) and (2).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 3 winery license” is substituted for the former reference to a “Class 3 manufacturer’s license, who makes wine from agricultural products grown in Maryland” for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license”.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 29–101

“Wine” § 1–101

**SUBTITLE 8. BEER AND WINE LICENSES.**

**29-801. CLASS A BEER AND WINE LICENSE.****(A) ESTABLISHED.****THERE IS:**

- (1) A CLASS A BEER AND WINE 6-DAY LICENSE; AND**
- (2) A CLASS A BEER AND WINE 7-DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) DRUGSTORE PROHIBITION.**

**A PERSON MAY NOT HOLD THE LICENSE FOR USE BY AN ESTABLISHMENT WITH A DIRECT OR INDIRECT CONNECTION TO A DRUGSTORE.**

**(D) FEES.****THE ANNUAL LICENSE FEES ARE:**

- (1) \$190 FOR A 6-DAY LICENSE; AND**
- (2) \$221 FOR A 7-DAY LICENSE.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 5-101(a)(1) and (u)(2) through (4).

In this section and throughout this subtitle, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling beer and wine “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

In subsection (c) of this section, the reference to “a drugstore” is substituted for the former reference to “any drug or pharmaceutical, or other business establishments of a type commonly known as or referred to as drugstore” for brevity.

Former Art. 2B, § 5–101(u)(1), which stated that former Art. 2B, § 5–101(u) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Person” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

## **29–802. CLASS B BEER AND WINE LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

### **(C) FEE.**



**THE ANNUAL LICENSE FEE IS \$253.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(u) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**29–803. CLASS C BEER AND WINE LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$45.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(u) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

**29–804. CLASS D BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$253.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(u) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**29–901. CLASS A BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

**A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(u).

Defined terms: "Beer" § 1-101

"County" § 29-101

"License" § 1-101

"Wine" § 1-101

**29-902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER — FOR HOTELS.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE AT A HOTEL OR MOTEL THAT:**

**(1) ACCOMMODATES THE PUBLIC, PROVIDING SERVICES ORDINARILY FOUND IN A HOTEL OR MOTEL;**

**(2) HAS A LOBBY WITH REGISTRATION, MAIL DESK, AND SEATING FACILITIES; AND**

**(3) MAINTAINS AT LEAST:**

**(I) 10 ROOMS FOR OCCUPANCY BY GUESTS IF THE HOTEL WAS IN OPERATION ON JUNE 1, 1967; OR**

**(II) 20 ROOMS FOR OCCUPANCY BY GUESTS IF THE HOTEL STARTED OPERATIONS AFTER JUNE 1, 1967, WITH THE HOTEL FACILITIES ASSESSED FOR STATE AND COUNTY TAXATION AT AN AMOUNT THAT IS AT LEAST \$45,000.**

**(C) AUTHORIZED HOLDER — FOR RESTAURANTS.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE AT A RESTAURANT THAT:**

**(1) SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY;**

**(2) EXCLUSIVE OF BAR SEATING OR COUNTER SEATING, HAS TABLE SEATING FOR AT LEAST 50 INDIVIDUALS; AND**

**(3) FOR THE 12 MONTHS IMMEDIATELY BEFORE THE APPLICATION FOR THE LICENSE, HAS DAILY AVERAGE RECEIPTS FROM THE SALE OF FOOD THAT**

**EXCEED THE DAILY AVERAGE RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE:**

- (1) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND**
- (2) BEER FOR OFF-PREMISES CONSUMPTION.**

**(E) PURCHASING AND PRICING OF WINE AND LIQUOR.**

**THE LICENSE HOLDER:**

**(1) SHALL PURCHASE ALL WINE AND LIQUOR FROM THE LIQUOR CONTROL BOARD; AND**

**(2) SHALL BE CHARGED:**

- (I) THE INVOICE PRICE TO THE LIQUOR CONTROL BOARD;**
- (II) FREIGHT CHARGES; AND**

**(III) AN AMOUNT NOT MORE THAN 20% OF THE AGGREGATE INVOICE PRICE AND FREIGHT CHARGES.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,265.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(u)(2) through (6).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (b) of this section, the former reference to a "bona fide" hotel or motel is deleted as vague.

In subsection (b)(3)(i) of this section, the reference to a hotel being in operation "on" June 1, 1967, is substituted for the former reference to a hotel "in existence and operated as such" on June 1, 1967. Similarly, in subsection

(b)(3)(ii) of this section, the reference to “after June 1, 1967” is substituted for the former phrase “[i]n the case of a hotel or motel not in existence and operated as such on June 1, 1967”.

In subsection (c)(2) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection applies only to human beings.

Also in subsection (c)(2) of this section, the former reference to seating “capacity” is deleted as surplusage.

Subsection (d) of this section states expressly what was only implicit in the former law, that a license holder may sell beer for on-premises and off-premises consumption.

In the introductory language of subsection (d) of this section, the phrase “at retail at the place described in the license” is added to conform to the terminology used throughout this title.

In the introductory language of subsection (e) of this section, the reference to “[t]he license holder” is substituted for the former reference to “[e]very hotel or restaurant” for brevity and clarity.

In subsection (e)(1) of this section, the former phrase “sold by them” is deleted as surplusage.

Former Art. 2B, § 6–201(u)(1), which stated that former Art. 2B, § 6–201(u) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 29–101

“County” § 29–101

“Hotel” § 1–101

“Restaurant” § 1–101

“State” § 1–101

“Wine” § 1–101

### **29–903. CLASS C LICENSE — RESERVED.**

REVISOR’S NOTE: As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of this title.

### **29–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE:**

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

**(2) BEER AND WINE FOR OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,265.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(u) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1) of this section, the reference to "liquor" is substituted for the former reference to "spirituous liquors" to conform to the terminology used throughout this article.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**29-1001. FRATERNAL OR SORORAL ORGANIZATION LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (FRATERNAL OR SORORAL ORGANIZATION) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LODGE OR CHAPTER OF A NONPROFIT AND NATIONWIDE FRATERNAL OR SORORAL ORGANIZATION THAT:**

- (1) IS COMPOSED OF INDUCTED MEMBERS;**
- (2) WAS OPERATING IN THE COUNTY FOR AT LEAST 1 YEAR BEFORE THE LICENSE APPLICATION WAS MADE;**
- (3) HAS AT LEAST 25 MEMBERS PAYING DUES OF AT LEAST \$15 PER YEAR PER MEMBER; AND**
- (4) OWNS OR OPERATES A HOME OR CLUBHOUSE THAT IS PRINCIPALLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) PURCHASE OF WINE AND LIQUOR.**

**(1) THE LICENSE HOLDER SHALL PURCHASE FROM THE LIQUOR CONTROL BOARD ALL WINE AND LIQUOR SOLD BY THE LICENSE HOLDER.**

**(2) THE LIQUOR CONTROL BOARD SHALL CHARGE THE LICENSE HOLDER THE TOTAL OF:**

- (I) THE INVOICE PRICE CHARGED TO THE LIQUOR CONTROL BOARD;**
- (II) FREIGHT CHARGES; AND**
- (III) AN AMOUNT NOT EXCEEDING 20% OF THE AGGREGATE OF THE INVOICE PRICE AND FREIGHT CHARGES.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 29-2004 OF THIS TITLE.**

**(F) FEE.****THE ANNUAL LICENSE FEE IS \$316.**

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6–301(u)(2), (4), and (6) and, as it related to Somerset County, (a)(1).

Subsection (e) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Somerset County.

In subsection (a) of this section, the reference to a fraternal or sororal “organization” is added for clarity.

In the introductory language of subsection (b) of this section, the former reference to a “bona fide” organization is deleted as surplusage. Similarly, in subsection (b)(3)(iii) of this section, the former reference to “bona fide” members is deleted.

In subsection (b)(1) of this section, the reference to “inducted” members is substituted for the former reference to members “duly elected and initiated in accordance with the rites and customs of such fraternal or sororal organization” for brevity.

In subsection (b)(2) of this section, the former reference to a club “in existence” for 1 year is deleted as included in the reference to a club “operating” for 1 year.

In subsection (b)(4) of this section, the former requirement that an organization “not [be] directly or indirectly owned or operated as a public business” is deleted as unnecessary because the organization must be nonprofit.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former, broader reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former phrase “at any club” is deleted as surplusage.

Defined terms: “Beer” § 1–101



“Board” § 29–101

“County” § 29–101

“Wine” § 1–101

**29–1002. VETERANS’ ORGANIZATION OR CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (VETERANS’ ORGANIZATION OR CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A NATIONWIDE NONPROFIT VETERANS’ ORGANIZATION OR CLUB THAT:**

**(1) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;**

**(2) HAS HELD A CHARTER FROM THE NATIONAL VETERANS’ ORGANIZATION OR CLUB FOR AT LEAST 1 YEAR BEFORE THE LICENSE APPLICATION WAS MADE;**

**(3) HAS AT LEAST 35 MEMBERS PAYING DUES OF AT LEAST \$4 PER YEAR PER MEMBER; AND**

**(4) OWNS OR OPERATES A HOME OR CLUBHOUSE THAT IS ONLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

**(D) PURCHASE OF WINE AND LIQUOR.**

**(1) THE LICENSE HOLDER SHALL PURCHASE FROM THE LIQUOR CONTROL BOARD ALL WINE AND LIQUOR SOLD BY THE LICENSE HOLDER.**

**(2) THE LIQUOR CONTROL BOARD SHALL CHARGE THE LICENSE HOLDER THE TOTAL OF:**

**BOARD;**

**(I) THE INVOICE PRICE CHARGED TO THE LIQUOR CONTROL**

**(II) FREIGHT CHARGES; AND**

**(III) AN AMOUNT NOT EXCEEDING 20% OF THE AGGREGATE OF THE INVOICE PRICE AND FREIGHT CHARGES.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 29–2004 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$316.**

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6–301(u)(2), (5), and (6) and, as it related to Somerset County, (a)(1).

Subsection (e) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Somerset County.

In subsection (a) of this section, the reference to a veterans' "organization or club" is added for clarity.

In the introductory language of subsection (b) of this section, the reference to a "veterans" club is added for clarity.

Also in the introductory language of subsection (b) of this section, the former reference to a "bona fide" organization is deleted as surplusage. Similarly, in subsection (b)(3) of this section, the former reference to "bona fide" membership is deleted.

In subsection (b)(4) of this section, the former requirement that an organization "not [be] directly or indirectly owned or operated as a public business" is deleted as unnecessary because the organization must be nonprofit.

In subsection (c) of this section, the reference to "beer, wine, and liquor" is substituted for the former, broader reference to "all alcoholic beverages" for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former phrase “at the place described in the license” is deleted as surplusage.

Also in subsection (c) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 29–101

“County” § 29–101

“Wine” § 1–101

### **29–1003. YACHT OR COUNTRY AND GOLF CLUB LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C (YACHT OR COUNTRY AND GOLF CLUB) BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

**(1) HAS AT LEAST 30 MEMBERS PAYING DUES OF AT LEAST \$20 PER YEAR PER ADULT MEMBER; AND**

**(2) OWNS AND OPERATES A CLUBHOUSE ON PREMISES THAT ARE PRINCIPALLY USED FOR ITS MEMBERS.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

#### **(D) PURCHASE OF WINE AND LIQUOR.**

**(1) THE LICENSE HOLDER SHALL PURCHASE FROM THE LIQUOR CONTROL BOARD ALL WINE AND LIQUOR SOLD BY THE LICENSE HOLDER.**

**(2) THE LIQUOR CONTROL BOARD SHALL CHARGE THE LICENSE HOLDER THE TOTAL OF:**

**(I) THE INVOICE PRICE CHARGED TO THE LIQUOR CONTROL BOARD;**

**(II) FREIGHT CHARGES; AND**

**(III) AN AMOUNT NOT EXCEEDING 20% OF THE AGGREGATE OF THE INVOICE PRICE AND FREIGHT CHARGES.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 29–2004 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$316.**

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6–301(u)(2), (3), and (6) and, as it related to Somerset County, (a)(1).

Subsection (e) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Somerset County.

In subsection (b)(1) of this section, the former reference to “bona fide” members is deleted as surplusage.

In subsection (b)(2) of this section, the reference to a clubhouse used for “its members” is substituted for the former reference to “no other purpose” for clarity.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former, broader reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former phrase “at any club” is deleted as surplusage.

Former Art. 2B, § 6–301(u)(1), which stated that former Art. 2B, § 6–301(u) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
 “Board” § 29–101  
 “Club” § 1–101  
 “County” § 29–101  
 “Wine” § 1–101

### **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

#### **29–1101. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

##### **(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);**  
**AND**

**(2) § 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”).**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1–101  
 “County” § 29–101  
 “License” § 1–101  
 “License holder” § 1–101  
 “Wine” § 1–101

**SUBTITLE 12. CATERER'S LICENSES.****29-1201. LOCAL CATERER'S LICENSE.****(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER'S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF:**

**(1) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE; OR**

**(2) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.****(1) THE LICENSE AUTHORIZES:**

**(I) THE HOLDER OF A CLASS B BEER AND WINE LICENSE TO PROVIDE BEER AND WINE AT EVENTS THAT ARE HELD OFF THE PREMISES OF THE RESTAURANT OR HOTEL; AND**

**(II) THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE TO PROVIDE BEER, WINE, AND LIQUOR AT EVENTS THAT ARE HELD OFF THE PREMISES OF THE RESTAURANT OR HOTEL.**

**(2) THE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE ONLY DURING THE HOURS AND DAYS THAT ARE ALLOWED FOR THE HOLDER'S CLASS B LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$550.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF AN EXISTING CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE OR A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Somerset County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6-714(b) through (g).

In subsection (c)(1)(ii) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

In subsection (d) of this section, the former phrase "as well as alcoholic beverages" is deleted as surplusage.

Former Art. 2B, § 6-714(a)(1), which stated that former Art. 2B, § 6-714 applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6-714(a)(2), which defined "Board", is deleted as redundant of the definition of "Board" in § 29-101 of this title.

Defined terms: "Beer" § 1-101

"Board" § 29-101

"Hotel" § 1-101

"On-sale" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**SUBTITLE 13. TEMPORARY LICENSES.****PART I. IN GENERAL.****29-1301. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–1202 (“PER DIEM LICENSES”);
- (2) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);
- (3) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);
- (4) § 4–1208 (“HOURS AND DAYS OF SALE”); AND
- (5) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- (1) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”), WHICH IS SUPERSEDED BY § 29–1308 OF THIS SUBTITLE;
- (2) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”), WHICH IS SUPERSEDED BY § 29–1308 OF THIS SUBTITLE; AND
- (3) § 4–1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY § 29–1309 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 29–101

**29–1302. RESERVED.**

**29–1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**29–1304. MARYLAND WINE FESTIVAL LICENSE.**

(A) ESTABLISHED.



**THERE IS A SOMERSET COUNTY MARYLAND WINE FESTIVAL (SCMWF) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A TEMPORARY ALCOHOLIC BEVERAGES LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS PRODUCED AND PROCESSED IN THE STATE.**

**(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

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

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE SOMERSET COUNTY MARYLAND WINE FESTIVAL.**

**(E) TIME AND LOCATION OF FESTIVAL.**

**THE BOARD:**

**(1) EACH YEAR MAY CHOOSE 1 WEEKEND DURING THE MONTHS OF MAY OR JUNE FOR THE SOMERSET COUNTY MARYLAND WINE FESTIVAL; AND**

**(2) SHALL CHOOSE A LOCATION FOR THE FESTIVAL.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) FEE.**

**THE LICENSE FEE IS \$19.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–312(b) through (i).

Throughout this section, the former references to a “special” license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the reference to the “Somerset County Maryland Wine Festival (SCMWF)” license is substituted for the former reference to the “Maryland Wine Festival (MWF)” license to distinguish this license from the license for the Maryland Wine Festival in Carroll County. Similarly, in subsections (d) and (e)(1), the references to the “Somerset County Maryland Wine Festival” are substituted for the former references to the “Maryland Wine Festival”.

In subsection (c) of this section, the reference to the license “authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “licensee shall” display and sell for clarity and consistency with terminology used throughout this article.

In the introductory language of subsection (d) of this section, the reference to the requirement that a “license holder shall” display and sell is substituted for the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (f) of this section, the provision stating that the license holder “may hold” another license is substituted for the former statement that “[t]he provisions of this section do not prohibit the licensee from holding” another license for clarity.

Former Art. 2B, § 8–312(a), which stated that former Art. 2B, § 8–312 applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (c) of this section, which authorizes the holder of the license “to display and sell wine that is produced and processed in the State”, may violate the Commerce Clause of the U.S. Constitution, as it apparently excludes wine that is produced and processed outside the State.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 29–101

“Wine” § 1–101

**29-1305. BEER AND WINE TASTING LICENSE.****(A) ESTABLISHED.**

**THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER, WINE, AND LIQUOR LICENSE OR A BEER AND WINE LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER OR WINE THAT MAY BE SOLD UNDER THE BEER, WINE, AND LIQUOR LICENSE OR THE BEER AND WINE LICENSE FOR TASTING IF THE CONSUMER IS NOT CHARGED FOR THE BEER OR WINE.**

**(D) LIMIT ON SERVINGS.**

**THE BOARD SHALL REGULATE:**

**(1) THE QUANTITY OF BEER OR WINE TO BE SERVED TO EACH INDIVIDUAL; AND**

**(2) THE NUMBER OF BOTTLES OF BEER OR WINE FROM WHICH THIS QUANTITY IS BEING SERVED.**

**(E) FEE.**

**(1) IN ADDITION TO THE COST OF THE BEER, WINE, AND LIQUOR LICENSE OR THE BEER AND WINE LICENSE, THE ANNUAL BWT LICENSE FEE IS \$150.**

**(2) IN ADDITION TO THE ANNUAL BWT LICENSE FEE, THE ISSUING FEE IS \$100.**

**(F) PROHIBITION DURING FESTIVAL EVENT.**

**THE PRIVILEGES GRANTED BY THE LICENSE MAY NOT BE EXERCISED DURING A FESTIVAL EVENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-410.3(b) through (d).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of law,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the reference to the license authorizing “the holder to allow” the consumption of beer or wine is added for clarity and consistency with terminology used throughout this article.

In subsection (d)(1) of this section, the reference to each “individual” is substituted for the former, overbroad reference to each “person” for clarity.

Former Art. 2B, § 8–410.3(a), which stated that former Art. 2B, § 8–410.3 applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–410.3(e), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has power to adopt regulations under § 29–205 of this title.

Defined terms: “Beer” § 1–101  
“Board” § 29–101  
“Consumer” § 1–101

**29–1306. RESERVED.**

**29–1307. RESERVED.**

### **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**29–1308. PER DIEM LICENSES.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A PER DIEM LICENSE OF ANY CLASS.**

**(B) SCOPE OF AUTHORIZATION.**

**A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE AT ANY ENTERTAINMENT EVENT HELD BY A CLUB.**

**(C) PUBLICATION OF APPLICATION NOT REQUIRED.**

**THE BOARD MAY NOT REQUIRE THAT AN APPLICATION FOR A PER DIEM LICENSE BE PUBLISHED BEFORE ISSUING THE LICENSE.**

**(D) LICENSE PERIOD.**

**THE PERIOD FOR WHICH A LICENSE MAY BE ISSUED IS:**

**(1) FOR A PER DIEM BEER LICENSE OR A PER DIEM BEER AND WINE LICENSE, NOT LONGER THAN 7 CONSECUTIVE DAYS; AND**

**(2) FOR A PER DIEM BEER, WINE, AND LIQUOR LICENSE, NOT LONGER THAN 14 CONSECUTIVE DAYS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(s)(2) through (4) and (7).

In subsection (a) of this section, the former phrase “except manufacturer’s and wholesaler’s licenses” is deleted as unnecessary because manufacturer’s and wholesaler’s licenses are statewide licenses issued by the Comptroller.

In subsection (b) of this section, the reference to an entertainment “event” is added to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to “bona fide” entertainment is deleted as surplusage.

Also in subsection (b) of this section, the former reference to entertainment “conducted” is deleted as unnecessary in light of the reference to entertainment “held”.

Also in subsection (b) of this section, the former reference to “society, association, civic, or charitable organization” is deleted as included in the defined term “club”.

Former Art. 2B, § 7–101(s)(1), which stated that former Art. 2B, § 7–101(s) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 29–101

“Club” § 1–101

“License” § 1–101

“License holder” § 1–101

**29–1309. FEES.**

**(A) IN GENERAL.**

**THE FEE FOR A PER DIEM BEER LICENSE, A PER DIEM BEER AND WINE LICENSE, AND A PER DIEM BEER, WINE, AND LIQUOR LICENSE IS:**

**(1) \$63 EACH DAY FOR THE FIRST AND SECOND DAY OF THE LICENSE PERIOD; AND**

**(2) \$32 EACH DAY AFTER THE SECOND DAY OF THE LICENSE PERIOD.**

**(B) PAYMENT TO BOARD FOR DEPOSIT IN TREASURY.**

**THE FEE SHALL BE PAID TO THE BOARD FOR DEPOSIT IN THE COUNTY TREASURY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(s)(5) and (6).

In subsection (b) of this section, the phrase "for deposit in the County treasury" is substituted for the former phrase "for use of the county" for clarity.

Also in subsection (b) of this section, the former reference to the fee being paid "before the license is issued" is deleted as an unnecessary statement of normal practice.

Defined terms: "Board" § 29-101

"County" § 29-101

"License" § 1-101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**29-1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD");**

**(2) § 4-103 ("APPLICATION ON BEHALF OF PARTNERSHIP");**

- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (7) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);
- (8) § 4-111 (“PAYMENT OF LICENSE FEES”);
- (9) § 4-112 (“DISPOSITION OF LICENSE FEES”);
- (10) § 4-113 (“REFUND OF LICENSE FEES”); AND
- (11) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 29-1402 THROUGH 29-1404 OF THIS SUBTITLE; AND
- (2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), IN ADDITION TO §§ 29-1405 AND 29-1406 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Former Art. 2B, § 10-204(u), which stated that former § 10-204(a) applied in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “County” § 29-101

**29-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(9)(v)3C.

The reference to “criminal history record information” is substituted for the former reference to “criminal history records check” to conform to the terminology used in CP § 10–201.

Defined terms: “Board” § 29–101  
“Central Repository” § 1–101  
“License” § 1–101

**29–1403. CRIMINAL HISTORY RECORD INFORMATION AVAILABLE ONLY TO BOARD MEMBERS AND DESIGNEES.**

**THE BOARD MAY MAKE CRIMINAL HISTORY RECORD INFORMATION AVAILABLE ONLY TO BOARD MEMBERS AND THEIR DESIGNEES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(9)(v)4.

Defined term: “Board” § 29–101

**29–1404. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.**

**THE BOARD SHALL CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(9)(v)5.

The reference to the “applicant's” fingerprints is added for clarity.

Former Art. 2B, § 10–103(b)(9)(v)2, which stated that former Art. 2B, § 10–103(b)(9)(v) applied only to Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 29–101  
“State” § 1–101

**29–1405. CONSENT TO RECORDS CHECK.**



**AN APPLICANT SHALL INCLUDE IN THE APPLICATION A STATEMENT OF CONSENT TO AN INVESTIGATION BY THE BOARD OF THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(9)(iii), as it related to Somerset County.

The reference to "information" is added to conform with the terminology used in CP § 10-201.

Defined term: "Board" § 29-101

**29-1406. OTHER INFORMATION MAY BE REQUIRED.**

**IN ADDITION TO THE INFORMATION REQUIRED UNDER TITLE 4, SUBTITLE 1 OF THIS ARTICLE, THE BOARD MAY REQUIRE AN APPLICANT FOR A LICENSE TO INCLUDE ANY OTHER INFORMATION THAT THE BOARD CONSIDERS NECESSARY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(u).

The former phrase "from time to time" is deleted as surplusage.

Defined terms: "Board" § 29-101  
"License" § 1-101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**29-1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**
- (2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**
- (3) § 4-207 ("LICENSES ISSUED TO MINORS");**
- (4) § 4-209 ("HEARING");**

- (5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (6) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (7) § 4-212 (“LICENSE NOT PROPERTY”);
- (8) § 4-213 (“REPLACEMENT LICENSES”); AND
- (9) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 29-1502 OF THIS SUBTITLE;
- (2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 29-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;
- (3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 29-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND
- (4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 29-1504 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 29-101

“License” § 1-101

“Local licensing board” § 1-101

**29-1502. ISSUANCE OF LICENSE.**

**(A) DUTY OF COUNTY TREASURER.**

**AFTER THE BOARD APPROVES A LICENSE APPLICATION, THE COUNTY SUPERVISOR OF TAX COLLECTION SHALL ISSUE THE LICENSE ON PAYMENT OF THE LICENSE FEE AND THE FEE REQUIRED BY SUBSECTION (B) OF THIS SECTION.**

**(B) PAYMENT OF ADVERTISING AND PROCESSING FEE.**

**A LICENSE APPLICANT SHALL PAY TO THE BOARD A FEE OF \$350 TO COVER THE COSTS OF:**

- (1) THE NOTICE REQUIRED UNDER § 29-1504 OF THIS SUBTITLE; AND**
- (2) PROCESSING THE APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(p)(2) and (3).

In subsection (b)(1) of this section, the reference to the "notice" is substituted for the former reference to the "advertising" for clarity.

Defined terms: "Board" § 29-101

"County" § 29-101

"License" § 1-101

**29-1503. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

- (1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**
- (2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to "Class D beer or Class D beer and wine licenses" is substituted for the former reference to licenses issued "[u]nder § 3-401 or § 5-401 of this article" for clarity.

In item (2) of this section, the former reference to the premises "operated as" a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“License” § 1–101  
“Wine” § 1–101

#### **29–1504. NOTICE OF LICENSE APPLICATION.**

**NOTICE OF A LICENSE APPLICATION SHALL BE PUBLISHED ONCE A WEEK FOR 2 CONSECUTIVE WEEKS IN AT LEAST ONE NEWSPAPER PUBLISHED IN THE MUNICIPALITY OR UNINCORPORATED AREA IN WHICH OR NEAREST TO WHICH THE LOCATION DESCRIBED IN THE APPLICATION IS SITUATED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(p)(1).

The reference to the “location described in the application” is substituted for the former reference to the applicant’s proposed “place of business” for consistency with the terminology used throughout this article.

Defined term: “License” § 1–101

#### **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

##### **PART I. LICENSING CONDITIONS.**

#### **29–1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP, SCHOOL, LIBRARY, OR YOUTH CENTER.**

##### **(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF A PLACE OF WORSHIP, SCHOOL, PUBLIC LIBRARY, OR YOUTH CENTER.**

**(2) THE DISTANCE IS TO BE MEASURED FROM THE NEAREST POINT OF THE ESTABLISHMENT TO THE NEAREST POINT OF THE PROPERTY LINE OF THE PLACE OF WORSHIP, PUBLIC LIBRARY, SCHOOL, OR YOUTH CENTER.**

##### **(B) EXCEPTIONS.**

**THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

**(1) A LICENSED ESTABLISHMENT THAT EXISTED BEFORE THE PLACE OF WORSHIP, SCHOOL, PUBLIC LIBRARY, OR YOUTH CENTER WAS BUILT WITHIN 300 FEET OF THE LICENSED ESTABLISHMENT;**

**(2) AN ESTABLISHMENT HAVING ANY PREVIOUS OWNER WHO WAS THE HOLDER OF A LICENSE TO SELL ALCOHOLIC BEVERAGES; AND**

**(3) A TEMPORARY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–220.

Throughout this section, the former references to a “church” are deleted as included in the references to a “place of worship”.

In subsection (a)(1) of this section, the prohibition against the Board “issu[ing]” a license is substituted for the former prohibition against the Board “approv[ing]” a license for clarity.

Also in subsection (a)(1) of this section, the former reference to a license “to sell alcoholic beverages” is deleted as included in the defined term “license”.

In subsection (a)(2) of this section, the former reference to the nearest point of the “building that is the proposed” establishment “for which the license is requested” is deleted as surplusage.

In subsection (b)(3) of this section, the former reference to a “special” license is deleted as unnecessary in light of the reference to a “temporary” license.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 29–101

“License” § 1–101

**29–1602. RESERVED.**

**29–1603. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**29–1604. RESERVED.**

### **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**29–1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**  
**AND**

**(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”).**

**(B) EXCEPTION.**

**SECTION 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 29-1705 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 29-1703 OF THIS SUBTITLE; AND**

**(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 29-1704 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of the names of officers on licenses.

Defined terms: “County” § 29-101

“License” § 1-101

**29-1702. CRIMINAL HISTORY RECORDS CHECK.**

**AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4-107 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(9)(v)3C and, as it related to an applicant for a transfer of a license, 1B.

The requirements for a State and national criminal history records check for an applicant for a transfer of a license are identical to the requirements for an applicant for the issuance of a license. The cross–reference to “§ 4–107 of this article”, where those requirements appear in the applications for local licenses subtitle, is substituted for a listing of those requirements, to avoid unnecessary repetition.

Defined terms: “License” § 1–101  
 “State” § 1–101

#### **29–1703. WAIVER OF PUBLICATION NOTICE AUTHORIZED.**

**THE BOARD MAY WAIVE THE PUBLICATION NOTICE REQUIRED UNDER § 4–302 OF THIS ARTICLE FOR THE TRANSFER OF A CLASS C CLUB LICENSE IF:**

**(1) THE PERSON WHOSE NAME APPEARS ON THE LICENSE BECOMES INELIGIBLE; AND**

**(2) A NEW APPLICATION FOR THE SAME CLASS OF LICENSE IS PROPERLY FILED WITH THE BOARD WITHIN 10 DAYS AFTER THE PERSON BECOMES INELIGIBLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(u)(2).

In the introductory language of this section, the former reference to an “assignment” is deleted as included in the reference to a “transfer”.

Former Art. 2B, § 10–503(u)(1), which stated that former Art. 2B, § 10–503(u) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 29–101  
 “Club” § 1–101  
 “License” § 1–101  
 “Person” § 1–101

#### **29–1704. FEE.**

**THE FEE FOR A TRANSFER OF A LICENSE IS \$50, IN ADDITION TO THE COSTS OF PUBLICATION, NOTICE, AND ANY HEARING FEES REQUIRED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(u)(3).

The former reference to an "assignment" is deleted as included in the reference to a "transfer".

Defined term: "License" § 1-101

**29-1705. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

**(A) CONDITIONS FOR SUBSTITUTION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

**(I) HAS DIED;**

**(II) HAS RETIRED; OR**

**(III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

**(2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE ORIGINAL OFFICER.**

**(B) AFFIDAVIT REQUIRED.**

**THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT CONTAINS:**

**(1) THE SUBSTITUTION OF THE OFFICER; AND**

**(2) AN EXPLANATION FOR THE SUBSTITUTION.**

**(C) CORRECTED LICENSE TO BE ISSUED.**

**ON RECEIPT OF THE AFFIDAVIT BY THE BOARD AND PAYMENT OF A \$50 FEE TO THE COUNTY TREASURER, THE BOARD SHALL:**

**(1) AMEND ITS RECORDS; AND**



**(2) ISSUE A CORRECTED LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first, second, third, and fifth sentences of former Art. 2B, § 10–301(h)(1), as they related to Somerset County.

In subsection (a) of this section, the former reference to an officer who has “been removed from office” is deleted as included in the reference to an officer who “no longer holds an office in the corporation or club”.

In the introductory language of subsection (a)(1) of this section, the reference to “any officer who” is substituted for the former reference to “the deleted officer” for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former reference to any “class of alcoholic beverage” license is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase “during any license year” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase “notwithstanding any other provision of this article” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to requirements “applicable to the original officer” is substituted for the former reference to requirements “the substitute would have to meet if the substitute were named in the original application” for brevity.

Also in subsection (a)(2) of this section, the former reference to a “fit” individual is deleted as implicit in the requirement that the individual be approved by the Board and meet the requirements applicable to the original officer.

In subsection (b)(1) of this section, the former reference to “officers” is deleted in light of the reference to “officer” and GP § 1–202, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the reference to a “corrected license” is substituted for the former reference to a “new license with the corrected names on it” for brevity.

Defined terms: “Board” § 29–101

“Club” § 1–101

“License” § 1–101

“License holder” § 1–101

**SUBTITLE 18. RENEWAL OF LICENSES.**

**29–1801. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–403 (“RENEWAL APPLICATION”);**
- (3) § 4–406 (“PROTESTS”);**
- (4) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (5) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (6) § 4–409 (“MULTIPLE LICENSES”); AND**
- (7) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

**(B) EXCEPTION.**

**SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 29–1802 OF THIS SUBTITLE.**

**(C) VARIATION.**

**SECTION 4–405 (“CONTENTS OF RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 29–1803 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 29–101

“License” § 1–101

**29–1802. RENEWAL APPLICATION.**

**(A) RENEWAL APPLICATION FEE.**

**AN APPLICANT FOR LICENSE RENEWAL SHALL PAY A RENEWAL APPLICATION FEE OF \$50 TO THE COUNTY TREASURER IN ADDITION TO THE LICENSE FEE.**

**(B) LATE FILING.**

**IF AN APPLICANT FAILS TO RENEW A LICENSE IN A TIMELY MANNER AS DETERMINED BY THE BOARD, THE APPLICANT SHALL PAY A LATE RENEWAL FEE OF \$100 IN ADDITION TO THE RENEWAL APPLICATION FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(s)(3) and (5).

In subsection (a) of this section, the phrase “in addition to the license fee” is added to state expressly that which only was implied in the former law.

Also in subsection (a) of this section, the reference to the “County treasurer” is substituted for the former reference to the “local collecting agent” in light of former Art. 2B, § 1–102(a)(18)(i)3, which defined “[l]ocal collecting agent” in Somerset County to be the “treasurer of the county”.

Also in subsection (a) of this section, the former reference to a license “issued by the Board” is deleted as unnecessary.

In subsection (b) of this section, the former reference to the renewal application fee “of \$50 required by paragraph (3) of this subsection” is deleted as unnecessary.

Former Art. 2B, § 10–301(s)(1), which stated that former Art. 2B, § 10–301(s) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–301(s)(2), which defined “Board” to mean the Board of License Commissioners of Somerset County, is deleted as redundant of the defined term “Board” in § 29–101 of this title.

Defined terms: “Board” § 29–101

“County” § 29–101

“License” § 1–101

**29–1803. PAYMENT OF TAXES.**

**THE BOARD MAY NOT RENEW A LICENSE UNTIL THE LICENSE HOLDER HAS PRESENTED THE BOARD WITH A CERTIFICATE OF RECEIPT ISSUED BY THE COUNTY**

**FINANCE OFFICE SHOWING THAT THERE ARE NO UNPAID TAXES ON THE INVENTORY AND PERSONAL PROPERTY OF THE RENEWAL APPLICANT DUE TO THE COUNTY OR STATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(s)(4).

The reference to a “renewal” applicant is added for clarity.

The reference to a certificate of receipt “issued by” the County Finance Office is substituted for the former reference to a certificate of receipt “from” that Office for clarity.

Defined terms: “Board” § 29–101

“County” § 29–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

**29–1804. BOARD MAY EXEMPT APPLICANTS FOR LICENSE RENEWALS FROM CRIMINAL HISTORY RECORDS CHECK REQUIREMENT.**

**THE BOARD MAY EXEMPT APPLICANTS FOR LICENSE RENEWAL FROM THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(9)(v)6.

The reference to “applicants for license renewal” is substituted for the former reference to “a license holder who seeks to renew an alcoholic beverages license” for brevity and consistency.

Defined terms: “Board” § 29–101

“License” § 1–101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**29–1901. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: "County" § 29-101  
"License holder" § 1-101

## **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

### **29-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

#### **(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

#### **(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Somerset County, (2).

In subsection (a)(1) of this section, the phrase "[u]nless otherwise provided in this title" is added for clarity.

Also in subsection (a)(1) of this section, the reference to an "individual" is substituted for the former reference to a "person" because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to "a premises licensed under this title" is substituted for the former reference to "any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article" for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

## **29–2002. BEER LICENSES.**

### **(A) CLASS A BEER LICENSE.**

**(1) A HOLDER OF A 6–DAY CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) A HOLDER OF A 7–DAY CLASS A BEER LICENSE MAY SELL BEER:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

### **(B) CLASS B BEER LICENSE.**

**A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(C) CLASS C BEER LICENSE.

A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER:

(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(D) CLASS D BEER LICENSE.

A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:

(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-301(b)(1), (c)(1), and (d)(1), 11-403(a)(1)(ii) and, as they related to the sale of beer, 11-520(2) and the introductory language of 11-520.

Throughout this section, former references to the prohibition against sales of alcoholic beverages on Sunday from 2 a.m. to 8 a.m. the following day are deleted as unnecessary in light of the stated hours of sale in this section.

In this section, the former phrase "[t]he hours during which" is deleted as unnecessary.

Former Art. 2B, § 11-403(b)(2)(x), which stated that the provisions of former Art. 2B, § 11-403 were subordinate to the provisions of former Art. 2B, § 11-520, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "Beer" § 1-101

## 29-2003. BEER AND WINE LICENSES.

(A) CLASS A BEER AND WINE LICENSE.

(1) A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE:

(I) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY;  
AND

(II) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) A HOLDER OF A 7-DAY CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.

(B) CLASS B BEER AND WINE LICENSE.

A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE:

(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(C) CLASS C BEER AND WINE LICENSE.

A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE:

(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(D) CLASS D BEER AND WINE LICENSE.

A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:

(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from the introductory language of former Art. 2B, § 11-520, as it related to the sale of beer, and § 11-520(2), as it related to 7-day Class A (off-sale) beer and wine licenses.



In this section, the references to a “beer and wine license” are substituted for the former reference to a “beer and light wine license” to avoid confusion. In former Art. 2B, § 4–101(s), “light wine” was defined in the County as a fermented beverage containing up to 22% of alcohol by volume – a maximum amount sufficient to include fortified wines, thus rendering meaningless the traditional division of wines into light wines and fortified wines.

Throughout this section, former references to the prohibition against sales of alcoholic beverages on Sunday from 2 a.m. to 8 a.m. the following day are deleted as unnecessary in light of the stated hours of sale in this section.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

#### **29–2004. BEER, WINE, AND LIQUOR LICENSES.**

##### **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**RESERVED.**

##### **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT IF FOOD IS AVAILABLE FOR PURCHASE ON THE PREMISES.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

##### **(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR (ON–SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

(II) ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT IF FOOD IS AVAILABLE FOR PURCHASE ON THE PREMISES.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.

(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.

A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-520(1), 11-303(b)(1) and (c)(1), 11-403(a)(1)(ii), and, as it related to the sale of beer, wine, and liquor, the introductory language of 11-520.

In subsections (b) and (c) of this section, the references to "license holder" are substituted for the former references to "retail dealer" for clarity.

Also in subsections (b) and (c) of this section, the former phrase "[t]he hours during which" is deleted as unnecessary.

Also in subsections (b) and (c) of this section, the former references to license holders "who may sell alcoholic beverages ... as authorized by their licenses ... provided that under those Sunday licenses the sale and disposal of alcoholic beverages will be permitted" are deleted as redundant in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

#### **29-2005. HOURS ON DECEMBER 31 AND JANUARY 1.**

**THE BOARD SHALL DETERMINE THE HOUR WHEN A LICENSE HOLDER SHALL STOP SELLING ALCOHOLIC BEVERAGES ON DECEMBER 31 AND JANUARY 1, REGARDLESS OF THE DAY OF THE WEEK ON WHICH THESE DATES FALL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(u)(2).

Former Art. 2B, § 11–402(u)(1), which stated that former Art. 2B, § 11–402(u) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
 “Board” § 29–101

## **29–2006. TIME AND PLACE RESTRICTIONS.**

**ALCOHOLIC BEVERAGES MAY NOT BE CONSUMED ON A LICENSED PREMISES FROM 2 A.M. ON SUNDAY TO 8 A.M. ON THE FOLLOWING DAY EXCEPT FOR ALCOHOLIC BEVERAGES SOLD:**

**(1) FOR ON–PREMISES CONSUMPTION, BY A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE OR CLASS C BEER, WINE, AND LIQUOR LICENSE, WHO MAY SELL BEER, WINE, AND LIQUOR FROM 12:30 P.M. TO MIDNIGHT ON SUNDAY, IF FOOD IS AVAILABLE FOR PURCHASE ON THE PREMISES; OR**

**(2) FOR OFF–PREMISES CONSUMPTION, BY A HOLDER OF A 7–DAY CLASS A BEER LICENSE OR A 7–DAY CLASS A BEER AND WINE LICENSE, WHO MAY SELL ALCOHOLIC BEVERAGES AS AUTHORIZED BY THE LICENSE FROM 8 A.M. ON SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–520, as it related to the consumption of alcoholic beverages.

In item (1) of this section, the former phrase “provided that under those Sunday licenses the sale or disposal of alcoholic beverages will be permitted only” if food is available is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
 “Beer” § 1–101  
 “Wine” § 1–101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **29–2101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);
- (2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”);
- (3) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND
- (4) § 4–606 (“EFFECTS OF REVOCATION”).

**(B) EXCEPTION.**

**SECTION 4–605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: “County” § 29–101  
“License” § 1–101  
“Local licensing board” § 1–101

**SUBTITLE 22. EXPIRATION OF LICENSES.**

**29–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 29–101  
“License” § 1–101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**29–2301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

(1) § 4-802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);

(2) § 4-804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);

(3) § 4-805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND

(4) § 4-806 (“REFUND”).

(B) VARIATION.

SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 29-2302 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 29-101

“License” § 1-101

“License holder” § 1-101

**29-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.**

(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.

(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:

(I) THE SURVIVING SPOUSE;

(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR

(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.

(2) THE NEW LICENSE SHALL BE ISSUED:

- (I) FOR THE BALANCE OF THE LICENSE YEAR; AND
- (II) WITHOUT FURTHER PROCEEDINGS.

**(B) RENEWAL LICENSE.**

**A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:**

- (1) THE SURVIVING SPOUSE;**
- (2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**
- (3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(b)(8).

In the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any provisions to the contrary in this article” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former

reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 29–101

“License” § 1–101

“License holder” § 1–101

#### **SUBTITLE 24. JUDICIAL REVIEW.**

##### **29–2401. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–902 (“JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING BOARD”);**

**(2) § 4–904 (“STAY OF LOCAL BOARD’S PETITION”);**

**(3) § 4–905 (“SCOPE OF JUDICIAL REVIEW”);**

**(4) § 4–906 (“REPRESENTATION OF LOCAL LICENSING BOARD”);**

**(5) § 4–907 (“AFFIRMATIONS, MODIFICATIONS, AND REVERSALS”);**

**AND**

**(6) § 4–908 (“APPEALS TO COURT OF SPECIAL APPEALS AND COURT OF APPEALS”).**

###### **(B) VARIATION.**

**SECTION 4–903 (“PETITIONERS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 29–2402 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined terms: “County” § 29–101

“Local licensing board” § 1–101

##### **29–2402. REVIEW FEE.**

**IN ADDITION TO THE REQUIREMENTS OF § 4-903 OF THIS ARTICLE WITH RESPECT TO THE PAYMENT OF ALL COSTS INCIDENT TO A HEARING BEFORE THE BOARD, A PERSON THAT PETITIONS FOR JUDICIAL REVIEW OF A DECISION OF THE BOARD TO THE CIRCUIT COURT SHALL PAY TO THE BOARD A FEE OF \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(b)(2).

The reference to a person that “petitions for judicial review” is substituted for the former reference to a person that “appeals” to reflect that this section concerns the judicial review of an administrative agency – a board of license commissioners – and not a court.

Defined terms: “Board” § 29-101

“Person” § 1-101

## **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

### **29-2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

**(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT ENTERTAINMENT THAT:**

**(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

**(2) ALLOWS AT ITS LOCATION ANY FORM OF SEXUAL DISPLAY OR ATTIRE PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) PENALTY.**



**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–110(a), (c), and (d).

In subsection (a) of this section, the reference to “adult” entertainment is substituted for the former references to “public” entertainment for clarity.

Also in subsection (a) of this section, the former references to “dispense” are deleted as included in the references to “serve”.

In subsection (a)(2) of this section, the reference to a “location” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

Former Art. 2B, § 20–110(b), which provided that former Art. 2B, § 20–110 applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

**29–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**

**ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsections (a)(1) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 29–2501 of this subtitle, a person who operates an unlicensed business establishment who knowingly allows a customer to bring alcoholic beverages for consumption into the establishment is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both, while under this section, an owner or a manager of an unlicensed establishment who allows the consumption of alcoholic beverages in the establishment is subject only to a fine not exceeding \$50.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

**SUBTITLE 26. ENFORCEMENT.**

**PART I. IN GENERAL.**

**29–2601. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–204 (“POWER TO SUMMON WITNESSES”);**
- (4) § 6–205 (“PEACE OFFICERS”);**
- (5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (6) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (7) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);**
- (8) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND**
- (9) § 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”).**

**(B) EXCEPTION.**

**SECTION 6–211 (“FINES AND FORFEITURES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 29–2602 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 29–101

“State” § 1–101

**29–2602. DISTRIBUTION OF FINES.**

**ONE-HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISPOSED OF AS PROVIDED UNDER § 7-507 OF THE COURTS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-502(c), as it related to Somerset County.

Defined term: "County" § 29-101

**29-2603. RESERVED.**

**29-2604. RESERVED.**

## **PART II. TOWN OF CRISFIELD.**

**29-2605. SCOPE OF PART.**

**THIS PART APPLIES TO THE TOWN OF CRISFIELD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-414(q), as it related to the Town of Crisfield.

**29-2606. SEARCH WARRANTS.**

**(A) ISSUANCE OF WARRANT.**

**A JUDGE IN THE DISTRICT COURT MAY ISSUE A SEARCH WARRANT IF A POLICE OFFICER OR ANY OTHER APPLICANT FILES A COMPLAINT OR AN AFFIDAVIT THAT:**

- (1) IS SWORN TO BY THE APPLICANT;**
- (2) DESCRIBES WITH PARTICULARITY THE PLACE OR THING TO BE SEARCHED;**
- (3) DESCRIBES WITH PARTICULARITY THE THINGS TO BE SEARCHED FOR; AND**
- (4) STATES THAT THE APPLICANT HAS REASON TO BELIEVE THAT ALCOHOLIC BEVERAGES ARE SOLD OR KEPT TO BE SOLD OR OTHERWISE DISPOSED OF IN VIOLATION OF LAW.**

**(B) CONTENTS; REQUIREMENTS.**

**A WARRANT ISSUED UNDER THIS SECTION SHALL:**

(1) BE DIRECTED TO THE SHERIFF, DEPUTY SHERIFF, OR PROPER POLICE OFFICER;

(2) INCLUDE A COPY OF THE AFFIDAVIT;

(3) REQUIRE THE OFFICER TO WHOM THE WARRANT IS DIRECTED TO SEARCH THE PLACE OR THING DESCRIBED IN THE WARRANT AND SEIZE ANY:

(I) ALCOHOLIC BEVERAGES AND THEIR VESSELS FOUND IN QUANTITIES THAT SUGGEST THAT THEY ARE BEING KEPT FOR SALE;

(II) MEANS TO SELL ALCOHOLIC BEVERAGES, INCLUDING FURNITURE, IMPLEMENTS, AND EQUIPMENT;

(III) PARAPHERNALIA OF A BARROOM OR SALOON THAT SELLS ALCOHOLIC BEVERAGES; AND

(IV) UNITED STATES INTERNAL REVENUE TAX RECEIPTS FOR THE SALE OF ALCOHOLIC BEVERAGES DATED DURING THE TIME OF THE ALLEGED OFFENSE; AND

(4) REQUIRE THE OFFICER TO REPORT IN WRITING ON THE SEARCH AND MAKE AN IMMEDIATE RETURN ON THE WARRANT.

(C) FORM OF AFFIDAVIT, WARRANT, AND REPORT AND RETURN.

AN AFFIDAVIT, A WARRANT FOR SEARCH, AND A REPORT AND RETURN SHALL BE SUBSTANTIALLY IN THE FOLLOWING FORM:

STATE OF MARYLAND, SOMERSET COUNTY, TO WIT:

TO: ....., OF SOMERSET COUNTY:

GREETINGS: WHEREAS, THERE HAS BEEN FILED WITH THE UNDERSIGNED AN AFFIDAVIT, OF WHICH THE FOLLOWING IS A COPY, TO WIT: WHEREAS ON THIS .... DAY OF ....., 20..., BEFORE THE SUBSCRIBER, ... IN AND FOR SAID COUNTY, PERSONALLY APPEARED ....., AND MADE COMPLAINT AND OATH THAT THE APPLICANT HAS JUST AND REASONABLE CAUSE TO SUSPECT AND BELIEVE AND DOES SUSPECT AND BELIEVE THAT INTOXICATING LIQUOR IS SOLD, OR EXCEPT FOR THE PURPOSE OF BEING SOLD OR OTHERWISE DISPOSED OF IN VIOLATION OF THE LAW IN THE ... OF ... AT, IN ... OF SAID COUNTY, AND THAT IN AND UPON SAID PREMISES AND AT SAID PLACE AND HOUSE WILL BE FOUND UPON SEARCH THEREOF, THE FOLLOWING:

INTOXICATING LIQUORS, AND THE VESSELS AND BOTTLES IN WHICH THE SAME ARE CONTAINED, AND BARROOM, AND DRINKING SALOON PARAPHERNALIA, AND THE UNITED STATES INTERNAL REVENUE TAX RECEIPT FOR SALE OF

**INTOXICATING LIQUOR AT THIS TIME EFFECTIVE (AND ANY OTHER FACTS MATERIAL):**

**THESE ARE THEREFORE, IN THE NAME OF THE STATE OF MARYLAND, TO COMMAND YOU, TOGETHER WITH THE NECESSARY AND PROPER ASSISTANCE, TO ENTER INTO THE SAID .... OF THE SAID .... AT, IN .... IN THE COUNTY AFORESAID, AND THERE DILIGENTLY SEARCH FOR THE SAID INTOXICATING LIQUOR AND MEANS USED FOR THE SALE OF SAME, OR ANY PART THEREOF AS DESCRIBED IN THE AFOREGOING AFFIDAVIT OF COMPLAINT, AND THAT YOU BRING THE SAME, OR ANY PART THEREOF, FOUND IN SUCH SEARCH, AND THE PERSON OR PERSONS IN WHOSE CUSTODY THEY ARE FOUND FORTHWITH BEFORE ME TO BE DISPOSED OF AND DEALT WITH ACCORDING TO LAW; AND HAVE YOU THERE THIS WARRANT.**

**GIVEN UNDER MY HAND THIS ... DAY OF ....., 20...**

.....  
**JUDGE OF THE DISTRICT COURT**

**REPORT AND RETURN**

**TO HON. ...., JUDGE OF THE DISTRICT COURT IN SOMERSET COUNTY**

**THIS RETURN AND REPORT, MADE THIS ... DAY OF ....., 20.., IS TO CERTIFY, THAT PURSUANT AND IN OBEDIENCE TO THE COMMANDS OF THE ANNEXED WARRANT TO ME DIRECTED, I DID ON THE ... DAY OF ....., 20.., ENTER AND SEARCH THE PLACE, HOUSE AND PREMISES DESCRIBED IN SAID WARRANT AND FOUND AND SEIZED THE FOLLOWING, TO WIT: (HERE SET FORTH WHAT WAS FOUND AND SEIZED), AND DO FORTHWITH BRING THE SAME, AND ONE ... THE PERSON IN WHOSE CUSTODY THE SAME WERE FOUND BEFORE YOU.**

.....  
**(PERSON SERVING WARRANT)**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(b).

In subsection (a) of this section, the former reference to a judge in the District Court “in the county” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to a “house, store, boat, motor vehicle, [or] aeroplane” is deleted as included in the reference to a “place”.

Also in subsection (a) of this section, the former phrase “does believe” is deleted in light of the reference to “has reason to believe”.

Also in subsection (a) of this section, the former reference to disposition “contrary to law” is deleted in light of the phrase “in violation of law”.

Also in subsection (a) of this section, the former reference to a judge issuing a warrant “to serve criminal process” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to the affidavit “inserted therein, or annexed and referred to” is deleted as surplusage.

Also in subsection (b)(2) of this section, the former requirement that the warrant “particularly describe the thing to be searched for and the place, house or thing to be searched” is deleted as duplicative of the contents of the affidavit under subsection (a) of this section.

In the introductory language of subsection (b)(3) of this section, the former references to the “premises”, “house”, and “appurtenances thereof” are deleted as included in the reference to the “place or thing”.

In subsection (b)(3)(iii) of this section, the former reference to “part of the paraphernalia” is deleted in light of the reference to the “paraphernalia”.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section, the meaning of the phrase “except for the purpose of being sold or otherwise disposed of in violation of the law” is unclear.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 29–101

“Person” § 1–101

### **29–2607. APPLICANT MAY ASSIST IN EXECUTION OF WARRANT.**

**AN APPLICANT FOR A WARRANT UNDER THIS SUBTITLE OR AN AGENT OF THE APPLICANT MAY:**

- (1) ACCOMPANY THE OFFICER WHO SERVES THE WARRANT;**
  - (2) POINT OUT AND ENTER THE PLACE OR THING TO BE SEARCHED;**
- AND**
- (3) ASSIST THE OFFICER IN SEARCHING THE PLACE OR THING.**

**REVISOR’S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 16–414(g).

In the introductory language of this section, the reference to an “applicant” for a warrant is substituted for the former reference to the “person making affidavit” for a warrant for brevity.

Also in the introductory language of this section, the former reference to a warrant to search “any place or thing where intoxicating liquor is believed to be disposed of, kept, stored, deposited, hidden, secreted, handled or furnished

contrary to this section” is deleted as included in the reference to a warrant “under this subtitle”.

In item (3) of this section, the reference to “assist” is substituted for the former reference to “give information and assistance” for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that item (3) of this section, which authorizes a private citizen to assist an officer in a search of a place or thing alleged to be involved in the illegal sale of alcoholic beverages, could result in a constitutional violation if the person’s actions are not limited to assisting the officer in the execution of the warrant.

#### **29–2608. SEARCH OF RESIDENCE PROHIBITED; EXCEPTION.**

##### **(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A WARRANT MAY NOT BE ISSUED TO SEARCH A RESIDENCE UNLESS:**

**(1) THE RESIDENCE OR PART OF THE RESIDENCE IS USED AS A STORE, HOTEL, RESTAURANT, OR BOARDING HOUSE;**

**(2) THE RESIDENCE IS USED AS A PUBLIC RESORT; OR**

**(3) THE RESIDENCE IS USED TO KEEP, HIDE, OR PROVIDE ALCOHOLIC BEVERAGES TO SELL OR FOR ANOTHER USE THAT VIOLATES THE LAW.**

##### **(B) ISSUANCE BY JUDICIAL DISCRETION.**

**A JUDGE OF THE DISTRICT COURT MAY ISSUE A WARRANT AFTER DETERMINING THAT THE ISSUANCE WOULD BE PROPER, BASED ON AN EXAMINATION OF:**

**(1) THE APPLICANT FOR THE WARRANT; OR**

**(2) OTHER EVIDENCE.**

**REVISOR’S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 16–414(f).

In the introductory language of subsection (a) of this section, the former reference to a residence “accepted as such” is deleted as surplusage.



In subsection (a)(2) of this section, the former reference to a “place of” public resort is deleted as surplusage.

In subsection (a)(3) of this section, the former references to “stor[e]”, “secret[e]”, “furnis[h]”, and “handl[e]” are deleted as included in the reference to “keep, hide, or provide”.

Also in subsection (a)(3) of this section, the reference to “violates the law” is substituted for the former reference to “contrary to this subtitle or contrary to law” for brevity.

In the introductory language of subsection (b) of this section, the reference to a judge of the District Court “determining” that the issuance of the warrant would be proper is substituted for the former reference to the judge “deem[ing] it” proper to issue the warrant, for brevity.

Also in the introductory language of subsection (b) of this section, the former phrase “in his discretion” is deleted in light of the reference to “may”.

Also in the introductory language of subsection (b) of this section, the former reference to a warrant “as hereinabove provided, for the searching of such a residence” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “applicant for the warrant” is substituted for the former reference to “the party making the oath” to conform to the terminology of this subtitle.

In subsection (b)(2) of this section, the reference to “other evidence” is substituted for the former reference to “such other proof as may be produced” for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

## **29–2609. WHEN POSTING OF COPY OF WARRANT IS REQUIRED.**

**IF AN OWNER OR OPERATOR OF THE ESTABLISHMENT OR THING FROM WHICH ALCOHOLIC BEVERAGES OR OTHER ITEMS ARE SEIZED CANNOT BE SERVED UNDER THIS SUBTITLE, THE OFFICER SEIZING THE ITEMS SHALL:**

**(1) POST A COPY OF THE WARRANT IN A CONSPICUOUS LOCATION AT THE PLACE SEARCHED OR AT OR NEAR THE THING SEARCHED; AND**

**(2) HOLD THE ITEMS SUBJECT TO THE ORDER OF THE COURT AND MAKE RETURN OF THAT ACTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16-414(e).

In the introductory language of this section, the phrase “from which alcoholic beverages or other items are seized” is substituted for the former phrase “where intoxicating liquor may be found” for clarity.

Also in the introductory language of this section, the phrase “[i]f an owner or operator of the establishment or thing from which alcoholic beverages or other items are seized cannot be served” is substituted for the former phrase “[i]f no one is found in possession of the premises, place, or thing where intoxicating liquor may be found” for clarity.

Also in the introductory language of this section, the reference to the officer “seizing the items” is substituted for the former reference to the officer “taking the same” for clarity.

In item (2) of this section, the reference to “that action” is substituted for the former reference to “his doing thereto” for clarity.

Also in item (2) of this section, the former phrase “take possession of such liquor and means used for the sale of the same” is deleted as surplusage.

Defined term: “Alcoholic beverage” § 1-101

## **29-2610. NOTICE OF HEARING.**

### **(A) POSTING NEAR PLACE OR LOCATION OF THING SEARCHED.**

**(1) AFTER SCHEDULING A HEARING TO DETERMINE THE PURPOSE FOR WHICH THE ALCOHOLIC BEVERAGES ARE KEPT, THE COURT SHALL ISSUE A HEARING NOTICE TO THE OFFICER WHO CARRIED OUT THE SEARCH.**

**(2) ON RECEIPT OF THE NOTICE, THE OFFICER SHALL POST THE NOTICE AT OR NEAR THE PLACE OR THING WHERE THE ALCOHOLIC BEVERAGES WERE FOUND.**

### **(B) FAILURE TO APPEAR AT HEARING.**

**IF NO ONE APPEARS TO CLAIM THE ALCOHOLIC BEVERAGES OR OTHER SEIZED ITEMS AT THE HEARING SCHEDULED IN ACCORDANCE WITH THIS SECTION OR WITHIN 30 DAYS AFTER THE HEARING, THE COURT SHALL ORDER THAT THE ALCOHOLIC BEVERAGES AND OTHER ITEMS BE DISPOSED OF.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 16-414(e).

In subsection (a)(2) of this section, the former term "premises" is deleted as included in the term "place".

In subsection (b) of this section, the former reference to items being "destroyed" is deleted as included in the reference to items being "disposed of".

Defined term: "Alcoholic beverage" § 1-101

## **29-2611. DISPOSITION OF SEIZED ITEMS.**

### **(A) PROSECUTION RESULTING IN CONVICTION.**

**IF A PROSECUTION UNDER THIS ARTICLE RESULTS IN A CONVICTION AND AN APPEAL IS NOT TAKEN:**

**(1) ALCOHOLIC BEVERAGES SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE ORDERED TO BE DESTROYED; AND**

**(2) OTHER PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL CONTINUE TO BE HELD AS THE PROPERTY OF THE DEFENDANT OR THE OWNER.**

### **(B) PROSECUTION NOT RESULTING IN CONVICTION.**

**IF A PROSECUTION UNDER THIS ARTICLE DOES NOT RESULT IN A CONVICTION, PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE RETURNED TO THE PERSON FROM WHOM IT WAS TAKEN.**

### **(C) CLAIM FOR RETURN OF ITEMS OR DAMAGES.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON'S CLAIM OF INSUFFICIENCY OF THE DESCRIPTION OF THE ALCOHOLIC BEVERAGES SEIZED UNDER THIS SUBTITLE OR THE PLACE OR THING SEARCHED PROVIDED IN THE COMPLAINT OR WARRANT DOES NOT RESULT IN THE IMMEDIATE RETURN OF THE ALCOHOLIC BEVERAGES TO THE PERSON.**

**(2) THE PERSON WITH A CLAIM OF INSUFFICIENCY UNDER PARAGRAPH (1) OF THIS SUBSECTION IS ENTITLED TO A HEARING ON THE CLAIM WHEN THE CASE IS TRIED.**

**(3) A CONVICTION UNDER THIS SUBTITLE BARS AN ACTION FOR:**

**(I) THE RECOVERY OF ALCOHOLIC BEVERAGES OR THE VALUE OF ALCOHOLIC BEVERAGES; OR**

**(II) DAMAGES ALLEGED TO HAVE ARISEN FROM SEIZING ALCOHOLIC BEVERAGES.**

**(4) ALCOHOLIC BEVERAGES OR OTHER ITEMS SEIZED UNDER THIS SUBTITLE MAY NOT BE TAKEN FROM THE CUSTODY OF THE OFFICER BY A WRIT OF REPLEVIN OR OTHER PROCESS WHILE A PROSECUTION UNDER THIS SUBTITLE IS PENDING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(d) and (h).

In the introductory language of subsection (a) of this section, the reference to a “prosecution under this article results in a conviction” is substituted for the former reference to “upon final judgment ..., the accused shall be found guilty” for brevity.

Also in the introductory language of subsection (a) of this section, the reference to an appeal that is “not taken” is substituted for the former phrase “after the time for appeal has expired and if no appeal is taken” for brevity.

In subsection (a)(2) of this section, the reference to the “defendant” is substituted for the former reference to the “accused” for consistency with the language used throughout the Code.

In subsection (c)(1) of this section, the reference to “alcoholic beverages seized under this subtitle” is substituted for the former reference to liquor “seized by virtue of such warrant” for clarity and consistency with the language used in this subtitle.

In subsection (c)(2) of this section, the phrase “on the claim” is added for clarity.

In the introductory language of subsection (c)(3) of this section, the former reference to “final judgment of” conviction is deleted as surplusage.

Also in the introductory language of subsection (c)(3) of this section, the phrase “under this subtitle” is substituted for the former phrase “in such proceedings” for clarity.

Also in the introductory language of subsection (c)(3) of this section, the former phrase “in all cases” is deleted as surplusage.

In subsection (c)(3)(ii) of this section, the former reference to the “detention” of alcoholic beverages is deleted as included in the reference to the “seizing” of alcoholic beverages.

In subsection (c)(4) of this section, the phrase “under this subtitle” is substituted for the former phrase “herein provided” for clarity.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

## **29–2612. PUBLIC NUISANCE.**

### **(A) PLACE DECLARED PUBLIC NUISANCE.**

**A PLACE WHERE ALCOHOLIC BEVERAGES ARE SOLD IN VIOLATION OF THIS ARTICLE OR TITLE 5 OF THE TAX – GENERAL ARTICLE IS A PUBLIC NUISANCE.**

### **(B) BOND REQUIREMENT.**

**(1) ON CONVICTION OF THE OWNER OR OPERATOR OF THE PLACE, THE PLACE MAY BE CLOSED AND THE PUBLIC NUISANCE MAY BE ABATED UNTIL A \$2,000 BOND IS POSTED, PAYABLE TO THE STATE.**

**(2) THE BOND SHALL BE CONDITIONED ON THE OWNER OR OPERATOR:**

**(I) NOT SELLING ALCOHOLIC BEVERAGES IN VIOLATION OF THIS ARTICLE; AND**

**(II) PAYING ALL FINES, COSTS, AND DAMAGES ASSESSED AGAINST THE OWNER.**

**(3) IF A CONDITION OF THE BOND IS VIOLATED, THE COUNTY MAY BRING ACTION AGAINST THE OWNER OR OPERATOR FOR FINES, COSTS, AND DAMAGES.**

### **(C) JURY TRIAL; APPEAL.**

**IF A JURY TRIAL IS REQUESTED OR AN APPEAL IS TAKEN IN A CASE IN WHICH A PLACE IS ALLEGED TO BE A PUBLIC NUISANCE, THE PLACE SHALL BE CLOSED UNTIL THE DEFENDANT POSTS A \$2,000 BOND UNDER THE SAME CONDITIONS AS THOSE SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.**

### **(D) PENALTIES.**

**A PERSON WHO OWNS OR OPERATES A PUBLIC NUISANCE AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(a) and the fifth sentence of (p).

In subsection (a) of this section, the reference to “Title 5 of the Tax – General Article” is added for accuracy. Former Article 2B of the Code at one time included provisions that are now codified in Title 5 of the Tax – General Article.

In subsection (b) of this section, the references to “owner or operator” are substituted for the former references to “keeper” for clarity and consistency with language used in reference to abatement of nuisance actions in RP § 14–120.

In subsections (b)(1) and (c) of this section, the references to a place being “closed” are substituted for the former references to a place being “shut up and abated” for clarity and consistency with language used throughout this article.

In subsection (b)(1) of this section, the phrase “the public nuisance may be abated” is added for clarity.

Also in subsection (b)(1) of this section, the former phrase “with sufficient security to be approved by the court, in the penal sum” of \$2,000 is deleted as surplusage.

In subsection (b)(2)(i) of this section, the reference to selling alcoholic beverages “in violation of this article” is substituted for the former reference to selling intoxicating liquor “contrary to law” for clarity and consistency with language used throughout this article.

In subsection (d) of this section, the reference to a person who “owns or operates a public nuisance as described in subsection (a) of this section” is added for clarity.

Also in subsection (d) of this section, the former references to the minimum penalties of “not less than fifty dollars” and “not less than six months” are deleted in light of CR § 14–102, which allows the court to impose, instead of a minimum penalty, a lesser penalty of the same character.

Also in subsection (d) of this section, the former reference to the penalties applying “[i]n Crisfield” is deleted as unnecessary in light of the scope of Part II this subtitle.

Also in subsection (d) of this section, the former reference to imprisonment “in the House of Correction” is deleted as surplusage.

Also in subsection (d) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which only was implied by the reference in the former law to a “conviction”. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976) and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Defined terms: “Alcoholic beverage” § 1–101

“County” § 29–101

“Person” § 1–101

“State” § 1–101

## SUBTITLE 27. PROHIBITED ACTS.

### 29–2701. APPLICATION OF GENERAL PROVISIONS.

#### (A) WITHOUT EXCEPTION OR VARIATION.

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);
- (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);
- (3) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (4) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);
- (5) § 6–310 (“PROVIDING FREE FOOD”);
- (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);

- (7) § 6–312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6–313 (TAMPERING WITH THE ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6–319 (“ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (13) § 6–320 (“DISORDERLY INTOXICATION”);
- (14) § 6–321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (15) § 6–322 (“POSSESSION OF OPEN CONTAINER”);
- (16) § 6–323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (17) § 6–326 (“UNLICENSED OUT–OF–STATE SALE OF ALCOHOLIC BEVERAGES”);
- (18) § 6–327 (“TAX EVASION”);
- (19) § 6–328 (“DESTRUCTION OF EVIDENCE”); AND
- (20) § 6–329 (“PERJURY”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:



**(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 29-2702 OF THIS SUBTITLE; AND**

**(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 29-2703 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 29-101

“License holder” § 1-101

“Retail dealer” § 1-101

**29-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(f)(2).

Former Art. 2B, § 12-108(f)(1)(x), which stated that the provisions of former Art. 2B, § 12-108(f) applied in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 29-101

“License holder” § 1-101

**29-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(f)(2).

Defined terms: “Board” § 29-101

“License holder” § 1–101

## **SUBTITLE 28. PENALTIES.**

### **29–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 29–101

### **29–2802. PENALTY IMPOSED BY BOARD.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$4,000 OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION UNDER THE ALCOHOLIC BEVERAGE LAWS AFFECTING THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(u).

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 29–101

“County” § 29–101

“License” § 1–101

## **TITLE 30. TALBOT COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **30–101. DEFINITIONS.**

##### **(A) IN GENERAL.**

##### **IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR TALBOT COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Talbot County”.

**(C) COUNTY.**

**“COUNTY” MEANS TALBOT COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to “Talbot County”.

**30-102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN TALBOT COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**30-103. COUNTY GOVERNING BODY TO REGULATE RETAIL SALES.**

**(A) IN GENERAL.**

**THE COUNTY GOVERNING BODY SHALL REGULATE THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE COUNTY.**

**(B) CONSTRUCTION OF LOCAL AND GENERAL LAWS.**

**(1) A LAW REGULATING THE RETAIL SALE OF ALCOHOLIC BEVERAGES THAT IS ENACTED BY THE COUNTY GOVERNING BODY PREVAILS OVER A PROVISION IN THE CODE OF PUBLIC GENERAL LAWS OF MARYLAND.**

**(2) UNLESS THE COUNTY GOVERNING BODY ENACTS A CONFLICTING OR INCONSISTENT LAW REGULATING THE RETAIL SALE OF ALCOHOLIC BEVERAGES, THE CODE OF PUBLIC GENERAL LAWS REMAINS IN EFFECT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–101.

Throughout this section, the references to the “County governing body” are substituted for the former references to the “Talbot County Commissioners” for accuracy. Talbot County operates under the charter home rule form of government.

In subsection (b)(1) of this section, the former reference to a law enacted “pursuant to this section” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to a “conflicting or inconsistent law” is substituted for the former reference to a “law which is contrary to a provision of the Code of Public General Laws” for clarity and brevity.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 30–101

### **30–104. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 30–101

### **GENERAL REVISOR'S NOTE TO SUBTITLE**

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4-101(v), which defined "light wine" in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

## **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

### **30-201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR TALBOT COUNTY.**

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Talbot County exists.

### **30-202. MEMBERSHIP.**

#### **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD.**

#### **(2) THE APPOINTMENTS SHALL BE MADE:**

**(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR**

**(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.**

#### **(B) QUALIFICATIONS.**

**EACH MEMBER OF THE BOARD SHALL BE:**

**(1) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(2) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

#### **(C) TENURE.**

**(1) THE TERM OF A MEMBER IS 6 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(D) VACANCIES.**

**(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(E) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and the first sentence of (v) and 15–110(a).

In subsection (a)(1) of this section, the defined term “Board” is substituted for the former reference to persons “who shall constitute and be styled ‘The Board of License Commissioners for Baltimore City or ... County’, as the case may be” because this title applies only to the Board of License Commissioners for Talbot County.

In subsection (a)(2)(i) of this section, the former reference to “by and” with the advice and consent of the Senate is deleted as surplusage.

In subsection (b)(1) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Talbot County.

In subsection (b)(2) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the defined term “person” may serve as a member of a board of license commissioners.

In subsection (c)(2) of this section, the former reference to the requirement that the Governor “biennially” appoint persons to the Board is deleted as included in the requirement that the terms of the members of the Board be staggered as required on July 1, 2016. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Talbot County.

Subsection (d) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Defined terms: “Board” § 30–101

“County” § 30–101

### **30–203. CHAIR.**

**FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 15–101(v).

The requirement that the Board “elect a” chair is substituted for the former requirement that the Board “organize by electing its own” chair for brevity.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Defined term: “Board” § 30–101

### **30–204. SALARIES; STAFF.**

**(A) SALARIES.**

**(1) THE CHAIR OF THE BOARD SHALL RECEIVE A SALARY OF \$750 ANNUALLY.**

**(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE A SALARY OF \$500 ANNUALLY.**

**(B) STAFF.**

**THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(2) SET THE COMPENSATION OF THE EMPLOYEES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(v) and 15–112(a)(2).

In subsection (a)(1) of this section, the reference to “a salary of \$750 annually” is substituted for the former reference to the salary for the chair being the sum of a regular member’s “salary of \$500 per year” and an additional “salary of \$250 per year” for brevity.

Also in subsection (a)(1) of this section, the reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (a)(2) of this section, the reference to each “other” member is added for clarity.

Also in subsection (a)(2) of this section, the former reference to a salary of \$500 “as compensation” is deleted as surplusage.

In subsection (b)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.



**30–205. DISPOSITION OF LICENSE FEES.****(A) SALARIES AND EXPENSES TO BE PAID FROM LICENSE FEES.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COUNTY COUNCIL SHALL PAY THE SALARIES AND EXPENSES OF THE BOARD FROM LICENSE FEES.**

**(B) \$3,500 LIMIT ON SALARIES AND EXPENSES.**

**THE BOARD MAY NOT SPEND MORE THAN \$3,500 IN ANY YEAR FOR SALARIES AND EXPENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(v).

In subsection (a) of this section, the former reference to “necessary office, clerical, and investigational” expenses is deleted as surplusage.

In subsection (b) of this section, the former phrase “in its discretion” is deleted as surplusage.

Defined terms: “Board” § 30–101  
“County” § 30–101

**30–206. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Talbot County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 30–101

### **SUBTITLE 3. LIQUOR CONTROL.**

#### **30–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 30–101

### **SUBTITLE 4. MANUFACTURER’S LICENSES.**

#### **30–401. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (7) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**
- (8) § 2–211 (“RESIDENCY REQUIREMENT”);**
- (9) § 2–212 (“ADDITIONAL LICENSES”);**
- (10) § 2–213 (“ADDITIONAL FEES”);**

(11) § 2-214 (“SALE OR DELIVERY RESTRICTED”);

(12) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);

(13) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);

(14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTION.

SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO § 30-403 OF THIS SUBTITLE; AND

(2) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO § 30-404 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Defined terms: “County” § 30-101

“Manufacturer’s license” § 1-101

**30-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(a).

The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101  
“Manufacturer’s license” § 1–101

**30–403. CLASS 6 PUB–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE COUNTY.**

**(B) SPECIFICATION OF EQUIVALENT LICENSE.**

**THE COMPTROLLER SHALL SPECIFY WHICH LOCAL LICENSE IS THE EQUIVALENT OF THE CLASS B BEER, WINE, AND LIQUOR LICENSE SPECIFIED IN § 2–208(B) OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–207(j) and, as it related to the availability of a Class 6 pub–brewery license in Talbot County, the introductory language of (a)(4).

In subsection (b) of this section, the former reference to the “Office of the” Comptroller “of Maryland” is deleted as unnecessary.

Defined terms: “Beer” § 1–101  
“Comptroller” § 1–101  
“County” § 30–101  
“License” § 1–101  
“Wine” § 1–101

**30–404. CLASS 7 MICRO–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE COUNTY.**

**(B) SPECIFICATION OF EQUIVALENT LICENSE.**

**THE COMPTROLLER SHALL SPECIFY WHICH LOCAL LICENSE IS THE EQUIVALENT OF THE CLASS B BEER, WINE, AND LIQUOR LICENSE SPECIFIED IN § 2-209(B) OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-208(a), (b)(2)(xxi), and (h).

In subsection (a) of this section, the former reference to a Class 7 micro-brewery "(on- and off-sale)" license is deleted for consistency with other similar provisions of this article.

In subsection (b) of this section, the former reference to the "Office of the" Comptroller "of Maryland" is deleted as unnecessary.

Defined terms: "Beer" § 1-101  
 "Comptroller" § 1-101  
 "County" § 30-101  
 "License" § 1-101  
 "Wine" § 1-101

**SUBTITLE 5. WHOLESALER'S LICENSES.**

**30-501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler's licenses.

Defined terms: "County" § 30-101  
 "Wholesaler's license" § 1-101

**30-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 30-503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY AND ELECTION DAYS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(f)(2).

Former Art. 2B, § 11–102(f)(1), which provided that former Art. 2B, § 11–102(f) applied only in Talbot County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
“Wholesaler’s license” § 1–101

### **30–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

#### **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

**A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.**

#### **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

**THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101  
“Wholesaler’s license” § 1–101

## **SUBTITLE 6. BEER LICENSES.**

### **30–601. CLASS A BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$25.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(a)(1) and (v)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Former Art. 2B, § 3–101(v)(2), which stated that former Art. 2B, § 18–101 allowed the Talbot County Council to enact alcoholic beverages laws, which superseded the provisions of this article, is deleted as redundant of § 30–103 of this title.

Defined terms: “Beer” § 1–101  
“Consumer” § 1–101

### **30–602. CLASS B BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(a)(1) and (v)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Former Art. 2B, § 3–201(v)(2), which stated that former Art. 2B, § 18–101 allowed the Talbot County Council to enact alcoholic beverages laws, which superseded the provisions of this article, is deleted as redundant of § 30–103 of this title.



Defined terms: “Beer” § 1–101  
“Hotel” § 1–101  
“Restaurant” § 1–101

**30–603. CLASS C BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$25.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(a)(1) and (v)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Former Art. 2B, § 3–301(v)(2), which stated that former Art. 2B, § 18–101 allowed the Talbot County Council to enact alcoholic beverages laws, which superseded the provisions of this article, is deleted as redundant of § 30–103 of this title.

Defined terms: “Beer” § 1–101  
“Club” § 1–101

**30–604. CLASS D BEER LICENSE — NOT APPLICABLE.**

**A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(v)(1).

Former Art. 2B, § 3–401(v)(2), which stated that former Art. 2B, § 18–101 allowed the Talbot County Council to enact alcoholic beverages laws, which superseded the provisions of this article, is deleted as redundant of § 30–103 of this title.

Defined terms: “Beer” § 1–101  
“County” § 30–101

### **SUBTITLE 7. WINE LICENSES.**

#### **30–701. CLASS A WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(18), (b)(1), (c)(1), (d)(1), and (e)(1)(viii) and (2).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 3 winery license” is substituted for the former reference to a “Class 3 manufacturer’s license, who makes wine from agricultural products grown in Maryland” for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license”.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 30–101  
“Wine” § 1–101

#### **SUBTITLE 8. BEER AND WINE LICENSES.**

#### **30–801. CLASS A BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS A BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(v)(1).

Former Art. 2B, § 5–101(v)(2), which stated that the County Council may provide for retail alcoholic beverage laws that supersede the provisions of this article, is deleted as redundant of § 30–103 of this title.

Defined terms: “Beer” § 1–101  
“County” § 30–101  
“Wine” § 1–101

#### **30–802. CLASS B BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS B BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(v)(1).

Former Art. 2B, § 5–201(v)(2), which stated that the County Council may provide for retail alcoholic beverage laws that supersede the provisions of this article, is deleted as redundant of § 30–103 of this title.

Defined terms: “Beer” § 1–101  
“County” § 30–101  
“Wine” § 1–101

**30–803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(v)(1).

Former Art. 2B, § 5–301(v)(2), which stated that the County Council may provide for retail alcoholic beverage laws that supersede the provisions of this article, is deleted as redundant of § 30–103 of this title.

Defined terms: “Beer” § 1–101  
“County” § 30–101  
“Wine” § 1–101

**30–804. CLASS D BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS D BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(v).

Defined terms: “Beer” § 1–101  
“County” § 30–101  
“Wine” § 1–101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**30–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED LICENSE HOLDER.**

**THE LICENSE MAY BE ISSUED ONLY TO A GROCERY STORE, A DRUGSTORE, AN INCORPORATED CLUB, A RESTAURANT, OR A HOTEL THAT HAS BEEN DOING BUSINESS IN THE COUNTY FOR MORE THAN 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(a)(1) and (v)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the references to “beer, wine, or liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (c)(1) of this section, the former reference to “keep[ing] for sale” is deleted as included in the reference to “sell[ing]”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

Former Art. 2B, § 6–101(v)(2), which stated that the County Council may enact alcoholic beverages laws that superseded former Art. 2B, is deleted as redundant of § 30–103 of this title.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Club” § 1–101

“County” § 30–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**30–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.****(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN:****(I) A HOTEL THAT:**

**1. HAS 25 OR MORE BEDROOMS LOCATED UNDER ONE ROOF; AND**

**2. REGULARLY SERVES MEALS; OR**

**(II) A RESTAURANT:**

**1. THAT SEATS AT LEAST 50 INDIVIDUALS; AND**

**2. FOR WHICH AT LEAST 60% OF THE GROSS INCOME IS DERIVED FROM THE SALE OF FOOD.**

**(2) THE LICENSE HOLDER MAY NOT MAKE A LIQUOR SALE THAT:**

**(I) EXCEEDS 1 QUART; OR**

**(II) IS MADE AT A BAR OR COUNTER.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(a)(1) and (v)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (b)(1) of this section, the reference to “[t]he Board” issuing the license is added to state expressly what was only implicit in the former law, that the Board is the license issuing authority.

In the introductory language of subsection (b)(1)(i) of this section, the former reference to a “bona fide” hotel is deleted as vague.

In subsection (b)(1)(ii) of this section, the former phrase “notwithstanding the other requirements of this article, and otherwise complying with the provisions of this article” is deleted as surplusage.

In subsection (b)(1)(ii)1 of this section, the reference to “individuals” is substituted for the former, broader reference to “persons” because this subsection applies only to human beings.

In subsection (b)(2) of this section, the reference to a “license holder” is added for clarity.

Former Art. 2B, § 6–201(v)(1), which stated that former Art. 2B, § 6–201(v) applied only in Talbot County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 30–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **30–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

##### **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

**(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, HAS HAD AT LEAST 50 MEMBERS PAYING DUES OF AT LEAST \$10 PER YEAR PER MEMBER FOR THE 5 YEARS IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED; OR**

**(II) IF THE CLUB IS COMPOSED EXCLUSIVELY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES AND IS AFFILIATED WITH A NATIONAL ORGANIZATION, HAS AT LEAST 50 MEMBERS PAYING THE DUES THAT WERE REQUIRED BY THE NATIONAL ORGANIZATION IN THE YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(a)(1) and (v)(2) through (4).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In the introductory language of subsection (b)(1) of this section, the former reference to issuing a license “only” to a club is deleted as surplusage.

In subsection (b)(1) of this section, the former references to “bona fide” members are deleted as surplusage.

Also in subsection (b)(1) of this section, the former phrase “which is not operated for profit,” is deleted as unnecessary in light of the defined term “club”.

Also in subsection (b)(1) of this section, the former reference to “consecutive” years is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (b)(2) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (b)(2) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Former Art. 2B, § 6-301(v)(1), which stated that former Art. 2B, § 6-301(v) applied only in Talbot County, is deleted as unnecessary in light of the organization of this revised article.



Former Art. 2B, § 6–301(v)(5), which stated that the County Council may enact alcoholic beverages laws that supersede former Art. 2B, is deleted as redundant of § 30–103 of this title.

Defined terms: “Beer” § 1–101  
 “Board” 30–101  
 “Club” § 1–101  
 “Wine” § 1–101

### **30–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(v)(1).

Former Art. 2B, § 6–401(v)(2), which stated that former Art. 2B, § 18–101 allows the Talbot County Council to provide for the retail alcoholic beverages laws for the county which, if enacted, supersede the provisions of this article is deleted as redundant of § 30–103 of this title.

Defined term: “Beer” § 1–101  
 “County” § 30–101  
 “License” § 1–101  
 “Wine” § 1–101

## **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

### **30–1001. RESERVED.**

## **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

### **30–1101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

(1) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);  
AND

(2) § 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”).

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 30-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**SUBTITLE 12. CATERER’S LICENSES.**

**30-1201. RESERVED.**

**SUBTITLE 13. TEMPORARY LICENSES.**

**PART I. IN GENERAL.**

**30-1301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 30-101

**30-1302. RESERVED.**

**30-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**30-1304. RESERVED.**

**30-1305. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**30-1306. RESERVED.**

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**30-1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (7) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);**
- (8) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);**
- (9) § 4-111 (“PAYMENT OF LICENSE FEES”);**
- (10) § 4-112 (“DISPOSITION OF LICENSE FEES”);**

(11) § 4-113 (“REFUND OF LICENSE FEES”); AND

(12) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

(B) VARIATION.

**SECTION 4-107 (“CRIMINAL HISTORY RECORDS CHECK”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 30-1402 THROUGH 30-1404 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 30-101

**30-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR’S NOTE: This section is new language added for clarity.

Defined terms: “Board” § 30-101  
“Central Repository” § 1-101  
“License” § 1-101

**30-1403. CRIMINAL HISTORY RECORD INFORMATION AVAILABLE ONLY TO BOARD MEMBERS AND DESIGNEES.**

**THE BOARD MAY MAKE CRIMINAL HISTORY RECORD INFORMATION AVAILABLE ONLY TO BOARD MEMBERS AND THEIR DESIGNEES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(xiii)4.

Defined term: “Board” § 30-101

**30-1404. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.**

**THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT’S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(xiii)5.

The reference to the Board's ability to "set" and charge a fee is added to expressly state what was only implied in the former law.

The reference to the "applicant's" fingerprints is added for clarity.

Former Art. 2B, § 10-103(b)(13)(xiii)2, which stated that former Art. 2B, § 10-103(b)(9)(xiii) applied only to Talbot County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 30-101  
 "State" § 1-101

## **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

### **30-1501. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-202 ("AUTHORITY OF LOCAL LICENSING BOARDS");**
- (2) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**
- (3) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**
- (4) § 4-207 ("LICENSES ISSUED TO MINORS");**
- (5) § 4-208 ("NOTICE OF LICENSE APPLICATION REQUIRED");**
- (6) § 4-209 ("HEARING");**
- (7) § 4-210 ("APPROVAL OR DENIAL OF LICENSE APPLICATION");**
- (8) § 4-211 ("LICENSE FORMS; EFFECTIVE DATE; EXPIRATION");**
- (9) § 4-212 ("LICENSE NOT PROPERTY");**

(10) § 4–213 (“REPLACEMENT LICENSES”); AND

(11) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 30–1502 OF THIS SUBTITLE; AND

(2) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 30–1502 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 30–101

“License” § 1–101

“Local licensing board” § 1–101

### **30–1502. BOWLING ESTABLISHMENTS.**

MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:

(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND

(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Wine” § 1–101

## **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

### **PART I. LICENSING CONDITIONS.**

**30–1601. RESERVED.**

**30–1602. RESERVED.**

### **PART II. MULTIPLE LICENSING PLANS.**

**30–1603. RESERVED.**

## **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**30–1701. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(v).

The reference to the application of this section “without exception or variation” is added to conform to the terminology used in similar provisions throughout this article.

Defined terms: “County” § 30–101

“License” § 1–101

**30–1702. APPLICANTS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

**AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(xiii), as it related to an applicant for a transfer of a license.

The requirements for a State and national criminal history records check for an applicant for a transfer of a license are identical to the requirements for an applicant for the issuance of a license. The cross-reference to “§ 4–107 of this article”, where those requirements appear in the applications for local licenses subtitle, is substituted for a listing of those requirements, to avoid unnecessary repetition.

Defined terms: “License” § 1–101  
“State” § 1–101

#### **SUBTITLE 18. RENEWAL OF LICENSES.**

##### **30–1801. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 30–101  
“License” § 1–101

##### **30–1802. BOARD MAY EXEMPT APPLICANTS FOR LICENSE RENEWALS FROM CRIMINAL HISTORY RECORDS CHECK REQUIREMENT.**

**THE BOARD MAY EXEMPT APPLICANTS FOR LICENSE RENEWAL FROM THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(xiii)6.

The reference to “applicants for license renewal” is substituted for the former reference to “a license holder who seeks to renew an alcoholic beverages license” for brevity and consistency.

Defined terms: “Board” § 30–101  
“License” § 1–101

#### **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

##### **30–1901. APPLICATION OF GENERAL PROVISIONS.**



**TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “County” § 30–101  
“License holder” § 1–101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**30–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Talbot County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any

license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

### **30–2002. BEER LICENSES.**

#### **(A) CLASS A BEER LICENSE.**

##### **THE HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

**AND**

**(2) ON SUNDAY, FROM 8 A.M. TO 10 P.M.**

#### **(B) CLASS B BEER LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER FOR ON-PREMISES CONSUMPTION:**

(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT; AND

(II) ON SUNDAY, FROM 12:30 P.M. TO 10 P.M.

(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.

(C) CLASS C BEER LICENSE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER FOR ON-PREMISES CONSUMPTION:

(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT; AND

(II) ON SUNDAY, FROM 12:30 P.M. TO 10 P.M.

(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.

(D) CLASS D BEER LICENSE.

**RESERVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-301(a)(1), (b)(1), and (c)(1) and 11-403(a)(1)(ii) and, as it related to beer licenses, (b)(3).

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 30-103 of this title, the County Council has the authority to regulate the retail sale of alcoholic beverages and that any enactment by the County Council is to prevail over any State law that regulates the retail sale of alcoholic beverages.

Defined terms: "Beer" § 1-101

**30-2003. BEER AND WINE LICENSES.**

(A) CLASS A BEER AND WINE LICENSE.

A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.

**(B) CLASS B BEER AND WINE LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE FROM 6 A.M. TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER AND WINE LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE FROM 6 A.M. TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER AND WINE LICENSE.**

**RESERVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–302(a)(1), (b)(1), and (c)(1) and 11–403(a)(1)(ii).

In this section, the references to a “beer and wine license” are substituted for the former references to a “beer and light wine license” to avoid confusion. In former Art. 2B, § 4–101(s), “light wine” was defined in the County as a fermented beverage containing up to 22% of alcohol by volume – a maximum amount sufficient to include fortified wines, thus rendering meaningless the traditional division of wines into light wines and fortified wines.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 30–103 of this title, the County Council has the authority to regulate the retail sale of alcoholic beverages and that any enactment by the County Council is to prevail over any State law that regulates the retail sale of alcoholic beverages.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**30–2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 8 A.M. TO MIDNIGHT.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FOR CONSUMPTION ON THE PREMISES, FROM 8 A.M. TO 10 P.M.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 12:30 P.M. TO 10 P.M.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**RESERVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-303(a)(1) and (2)(viii), (b)(1), and (c)(1) and 11-403(a)(1)(ii) and, as it related to beer, wine, and liquor licenses, (b)(3).

Former Art. 2B, § 6–201(v)(4), which stated that the hours and days for sale for a Class B beer, wine and liquor license are from 7 a.m. to 1 a.m. the following day, is deleted as obsolete and is superseded by subsection (b) of this section.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 30–103 of this title, the County Council has the authority to regulate the retail sale of alcoholic beverages and that any enactment by the County Council is to prevail over any State law that regulates the retail sale of alcoholic beverages.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

### **30–2005. ELECTION DAYS.**

#### **(A) LICENSE HOLDER PROHIBITED FROM SELLING ALCOHOLIC BEVERAGES ON ELECTION DAY.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER UNDER THIS SUBTITLE OR OTHER PERSON MAY NOT, DIRECTLY OR INDIRECTLY, SELL OR PROVIDE ANY ALCOHOLIC BEVERAGE WITHIN AN ELECTION DISTRICT OR PRECINCT OF THE COUNTY ON THE DAY OF A GENERAL, SPECIAL, OR PRIMARY ELECTION DURING THE HOURS WHEN THE POLLS ARE OPEN.**

**(2) A LICENSE HOLDER WHO IS A RESTAURANT OWNER MAY EXERCISE THE PRIVILEGES CONFERRED BY THE LICENSE FOR ON–PREMISES CONSUMPTION ON THE DAY OF AN ELECTION.**

#### **(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 FOR EACH OFFENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–401(a).

In subsection (a) of this section, the reference to “provide” is substituted for the former reference to “barter, give or dispose of” for brevity.

In subsection (a)(1) of this section, the defined term “license holder” is substituted for the former reference to “the keeper of any hotel, tavern, store, drinking establishment or any other place where liquors are sold” for brevity.

Also in subsection (a)(1) of this section, the defined term “alcoholic beverage” is substituted for the former reference to “any spirituous or fermented liquors, ale or beer, or intoxicating drinks of any kind” for brevity.

In subsection (a)(2) of this section, the reference to “exercise the privileges conferred by the license” is substituted for the former reference to “dispense those alcoholic beverages that are in accordance with that license” to conform to the terminology used throughout this article.

In subsection (b) of this section, the former minimum penalty of \$50 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 30–101

“License holder” § 1–101

“Person” § 1–101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **30–2101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”);**
- (3) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND**
- (4) § 4–606 (“EFFECTS OF REVOCATION”).**

#### **(B) EXCEPTION.**

**SECTION 4–605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: “County” § 30–101  
“License” § 1–101  
“Local licensing board” § 1–101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **30–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 30–101  
“License” § 1–101

## **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

### **30–2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 30–101  
“License holder” § 1–101

## **SUBTITLE 24. JUDICIAL REVIEW.**

### **30–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 30–101

## **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**



**30-2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

**(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT ENTERTAINMENT THAT:**

**(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

**(2) ALLOWS AT ITS LOCATION ANY FORM OF ATTIRE OR SEXUAL DISPLAY PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20-111(a), (c), and (d).

In subsection (a) of this section, the reference to "adult" entertainment is substituted for the former references to "public" entertainment for clarity.

Also in subsection (a) of this section, the former references to "dispense" are deleted as included in the references to "serve".

In subsection (a)(2) of this section, the reference to "location" is substituted for the former reference to "premises" to avoid the implication that the establishment is licensed.

Former Art. 2B, § 20-111(b), which provided that former Art. 2B, § 20-111 applied only in Talbot County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

“License” § 1–101

“Person” § 1–101

**30–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsections (a)(1) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a

statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: "Alcoholic beverage" § 1-101  
"Person" § 1-101

## **SUBTITLE 26. ENFORCEMENT.**

### **30-2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6-202 ("INSPECTIONS");**
- (2) § 6-203 ("USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES");**
- (3) § 6-204 ("POWER TO SUMMON WITNESSES");**
- (4) § 6-205 ("PEACE OFFICERS");**
- (5) § 6-206 ("CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE");**
- (6) § 6-207 ("DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE");**
- (7) § 6-208 ("REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES");**
- (8) § 6-209 ("ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION"); AND**
- (9) § 6-210 ("STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS").**

#### **(B) VARIATION.**

**SECTION 6-211 ("FINES AND FORFEITURES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 30-2602 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 30-101

"State" § 1-101

### **30-2602. DISTRIBUTION OF FINES.**

**ONE-HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED AS PROVIDED UNDER § 7-507 OF THE COURTS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-502(c), as it related to Talbot County.

Defined term: "County" § 30-101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **30-2701. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 ("PROHIBITED ACTS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 6-304 ("SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS");**

**(2) § 6-305 ("PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES");**

**(3) § 6-306 ("DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL");**

**(4) § 6-307 ("SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL");**

**(5) § 6-308 ("ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER");**

(6) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);

(7) § 6-310 (“PROVIDING FREE FOOD”);

(8) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);

(9) § 6-312 (“BEVERAGE MISREPRESENTATION”);

(10) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);

(11) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);

(12) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);

(13) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

(14) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

(15) § 6-320 (“DISORDERLY INTOXICATION”);

(16) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);

(17) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(18) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(19) § 6-327 (“TAX EVASION”);

(20) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(21) § 6-329 (“PERJURY”).

(B) EXCEPTION.

**SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 30-101

“License holder” § 1-101

“Retail dealer” § 1-101

**SUBTITLE 28. PENALTIES.**

**30-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 30-101

**TITLE 31. WASHINGTON COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**31-101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR WASHINGTON COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Washington County”.

**(C) COUNTY.**

**“COUNTY” MEANS WASHINGTON COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Washington County”.

**(D) LIGHT WINE.**

**“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4–101(a) and (w).

The defined term “wine” is substituted for the former reference to “a fermented beverage” to conform to the terminology used throughout this article.

Defined term: “Wine” § 1–101

**31–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN WASHINGTON COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**31–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 31–101

## **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

### **31–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR WASHINGTON COUNTY.**

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Washington County exists.

### **31–202. MEMBERSHIP.**

#### **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD.**

#### **(2) THE APPOINTMENTS SHALL BE MADE:**

**(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR**

**(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.**

#### **(B) QUALIFICATIONS.**

**(1) EACH MEMBER OF THE BOARD SHALL BE:**



(I) A RESIDENT AND VOTER OF THE COUNTY; AND

(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.

(2) NOT MORE THAN TWO MEMBERS OF THE BOARD MAY BELONG TO THE SAME POLITICAL PARTY.

(C) RESTRICTIONS.

A MEMBER OF THE BOARD MAY NOT HAVE A PECUNIARY OR OTHER INTEREST IN ANY PHASE OF THE MANUFACTURE, SALE, OR DISTRIBUTION OF ALCOHOLIC BEVERAGES.

(D) TENURE.

(1) THE TERM OF A MEMBER IS 6 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.

(E) VACANCIES.

(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(F) REMOVAL.

(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.

(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR’S FINDINGS ON THE CHARGES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and (w)(2) and (3), 15–110(a), and 15–109(w)(4), as it related to members of the Board.

In subsection (a)(1) of this section, the defined term “Board” is substituted for the former reference to persons “who shall constitute and be styled ‘The Board of License Commissioners for Baltimore City or ..... County’, as the case may be” because this title applies only to the Board of License Commissioners for Washington County.

In subsection (a)(2)(i) of this section, the former reference to “by and” with the advice and consent of the Senate is deleted as surplusage.

In subsection (b)(1)(i) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Washington County.

In subsection (b)(1)(ii) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the defined term “person” may serve as a member of a board of license commissioners.

In subsection (b)(2) of this section, the reference to “members of the Board” is substituted for the former reference to “appointees” for clarity and consistency throughout this subtitle.

In subsection (d)(2) of this section, the requirement that the terms of the members of the Board be staggered as required on “July 1, 2016” is substituted for the former obsolete requirement that the terms be staggered as required on “January 1, 1994”.

Also in subsection (d)(2) of this section, the former reference to the requirement that the Governor “biennially” appoint persons to the Board is deleted as included in the requirement that the terms be staggered. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Washington County.

Subsection (e) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (f)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (f)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(w)(1), which provided that the provisions of former Art. 2B, § 15–101(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 31–101

“County” § 31–101

### **31–203. CHAIR.**

**IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(a)(2).

The defined term “Board” is substituted for the former reference to “Baltimore City and each of the counties” because this section applies only to the Board of License Commissioners for Talbot County. Correspondingly, the former phrase “of the respective boards” is deleted.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Defined term: “Board” § 31–101

### **31–204. SALARIES; STAFF.**

#### **(A) SALARIES.**

**(1) THE ANNUAL SALARIES FOR THE BOARD SHALL BE SET BY THE COUNTY COMMISSIONERS UNDER TITLE 28, SUBTITLE 2 OF THE LOCAL GOVERNMENT ARTICLE.**

**(2) THE SALARIES SPECIFIED IN THIS SUBSECTION ARE PAYABLE MONTHLY FROM THE LICENSE FEES DERIVED FROM THE ISSUANCE OF LICENSES AUTHORIZED BY THIS ARTICLE.**

**(B) STAFF.****(1) THE BOARD MAY:****(I) EMPLOY:**

1. A SECRETARY;
2. INSPECTORS; AND
3. CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND

**(II) SET THE COMPENSATION OF THE EMPLOYEES.**

**(2) AN EMPLOYEE OF THE BOARD MAY NOT HAVE A PECUNIARY OR OTHER INTEREST IN ANY PHASE OF THE MANUFACTURE, SALE, OR DISTRIBUTION OF ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(w)(2), (3), and, as it related to employees, (4) and 15–112(a)(2).

In subsection (b)(1)(i)3 of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Former Art. 2B, § 15–109(w)(1), which provided that former Art. 2B, § 15–109(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 31–101

“County” § 31–101

“License” § 1–101

**31–205. AUDIT.****(A) TO BE CONDUCTED BY INDEPENDENT FIRM.**

**THE BOARD ANNUALLY SHALL ENGAGE AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTING FIRM TO CONDUCT AN AUDIT IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS TO EXPRESS AN OPINION ON THE FAIR PRESENTATION OF THE FINANCIAL STATEMENTS OF THE BOARD.**

**(B) DISTRIBUTION OF REPORT.**

**BY NOVEMBER 1 AFTER THE CLOSE OF EACH FISCAL YEAR, THE ACCOUNTING FIRM SHALL PROVIDE COPIES OF THE AUDIT REPORT TO THE MEMBERS OF THE BOARD AND THE SENATORS AND DELEGATES WHO CONSTITUTE THE WASHINGTON COUNTY DELEGATION TO THE MARYLAND GENERAL ASSEMBLY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(w)(2) and (3).

Former Art. 2B, § 15–112(w)(1), which provided that former Art. 2B, § 15–112(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Board” § 31–101

**31–206. DISPOSITION OF LICENSE FEES.****(A) FOR PAYMENT OF SALARIES AND EXPENSES.**

**FROM THE LICENSE FEES COLLECTED, THE BOARD SHALL PAY THE SALARIES OF BOARD MEMBERS AND BOARD EMPLOYEES AND THE EXPENSES OF THE BOARD.**

**(B) PAYMENT TO MUNICIPALITY OR COUNTY COMMISSIONERS.**

**AFTER PAYMENTS MADE UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL PAY THE FEES COLLECTED FROM LICENSED PREMISES:**

**(1) TO THE MUNICIPALITY WHERE THE LICENSED PREMISES IS LOCATED; OR**

**(2) IF THE LICENSED PREMISES IS NOT IN A MUNICIPALITY, TO THE COUNTY COMMISSIONERS FOR THE USE OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(w).

In subsection (a) of this section, the phrase “[f]rom the license fees collected” is added for clarity.

Also in subsection (a) of this section, the former reference to expenses “as the Board may deem necessary” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to “deduct[ing] funds necessary” to pay salaries and expenses is deleted as surplusage.

In subsection (b) of this section, the references to a “municipality” are substituted for the former references to an “incorporated town” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the references to a “licensed premises” are substituted for the former references to a “place of business” for clarity.

In the introductory language of subsection (b) of this section, the phrase “[a]fter payments made under subsection (a) of this section” is added for clarity.

Defined terms: “Board” § 31–101

“County” § 31–101

“License” § 1–101

### **31–207. REGULATIONS.**

#### **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Washington County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 31–101

#### **SUBTITLE 3. LIQUOR CONTROL.**

### **31–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: "County" § 31-101

**SUBTITLE 4. MANUFACTURER'S LICENSES.**

**31-401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-201 ("ISSUANCE BY COMPTROLLER");**
- (2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**
- (3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**
- (4) § 2-205 ("CLASS 3 WINERY LICENSE");**
- (5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**
- (6) § 2-207 ("CLASS 5 BREWERY LICENSE");**
- (7) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**
- (8) § 2-211 ("RESIDENCY REQUIREMENT");**
- (9) § 2-212 ("ADDITIONAL LICENSES");**
- (10) § 2-213 ("ADDITIONAL FEES");**
- (11) § 2-214 ("SALE OR DELIVERY RESTRICTED");**
- (12) § 2-216 ("INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS");**

(13) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(14) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTION.**

SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

**(C) VARIATIONS.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO § 31-403 OF THIS SUBTITLE;

(2) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO § 31-404 OF THIS SUBTITLE; AND

(3) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”), SUBJECT TO § 31-405 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(a) and (b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Defined terms: “County” § 31-101  
“Manufacturer’s license” § 1-101

**31-402. HOURS AND DAYS OF SALE OR DELIVERY.**

A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(a).

The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101  
“Manufacturer’s license” § 1–101

**31–403. CLASS 6 PUB–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE COUNTY.**

**(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

**SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–207(a)(4), as it related to the availability of a Class 6 pub–brewery license in Washington County, and, as it authorized off–sale privileges of beer in refillable containers only in specific jurisdictions, not including Washington County, the introductory language of (g)(1).

Defined terms: “County” § 31–101  
“License” § 1–101

**31–404. CLASS 7 MICRO–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO–BREWERY LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**NOTWITHSTANDING § 2–209(B) OF THIS ARTICLE, THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF:**

**(1) A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE COUNTY; OR**

**(2) A CLASS D ALCOHOLIC BEVERAGES LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF THE EXISTING CLASS D LICENSE LOCATED IN THE COUNTY.**

**(C) LIMITATION — LEASED PREMISES.**

**THE COMPTROLLER MAY NOT ISSUE A LICENSE FOR PREMISES ON PROPERTY THAT HAS BEEN LEASED UNLESS THE LANDLORD OF THE PROPERTY PRESENTS TO THE COMPTROLLER A RECEIPT OR CERTIFICATE SHOWING THAT THERE ARE NO UNPAID TAXES DUE TO THE STATE, A COUNTY, OR ANY LOCAL GOVERNMENT FROM THE LANDLORD OR ANY ENTITY IN WHICH THE LANDLORD HAS A DIRECT OR INDIRECT INTEREST THAT:**

**(1) IS PROPRIETARY; OR**

**(2) HAS BEEN OBTAINED BY A LOAN, MORTGAGE, OR LIEN, OR IN ANY OTHER MANNER.**

**(D) HOURS AND DAYS OF SALE.**

**NOTWITHSTANDING § 2-209(G) OF THIS ARTICLE, FOR THE HOLDER OF A CLASS D LICENSE IN THE COUNTY THE HOURS AND DAYS FOR RETAIL SALES UNDER THE CLASS 7 MICRO-BREWERY LICENSE ARE THOSE ESTABLISHED FOR A CLASS D LICENSE IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-208(a), (b)(2)(xxii) and (3)(i) and (iii)2, (f)(3), and (j)(2).

In subsection (b) of this section, the qualification “[n]otwithstanding § 2-209(b) of this article” is added to reflect the availability of a Class 7 micro-brewery license to the holder of a Class D license in Washington County, even though the general rule, revised in § 2-209(b) of Division I of this article, allows only the holder of a Class B beer, wine, and liquor license to hold a Class 7 license. Similarly, in subsection (d) of this section, the qualification “[n]otwithstanding § 2-209(g) of this article”, relating to the operating hours under a Class 7 micro-brewery license, is added for clarity.

Former Art. 2B, § 2-208(j)(1), which provided that former Art. 2B, § 2-208(j) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“Comptroller” § 1-101

“County” § 31-101

“License” § 1-101

“On-sale” § 1-101

“Restaurant” § 1-101

“Wine” § 1-101

**31-405. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

**(A) SCOPE OF SECTION.**

**THIS SECTION AND § 2-215 OF THIS ARTICLE DO NOT APPLY TO A:**

**(1) CLUB THAT IS THE HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE; OR**

**(2) HOTEL THAT IS THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) CONSTRUCTION OF SECTION.**

**(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER.**

**(2) FOR PURPOSES OF CONSTRUING § 2-215 OF THIS ARTICLE:**

**(I) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH; AND**

**(II) A CHECK THAT IS GIVEN IN PAYMENT FOR ALCOHOLIC BEVERAGES TO A HOLDER OF THE LICENSE, AND IS RETURNED UNCOLLECTED, IS PRIMA FACIE EVIDENCE IN A CIVIL CASE OF A VIOLATION OF THIS SECTION OR § 2-215 OF THIS ARTICLE.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-222(c), (d), (f), and (h).

In subsection (a) of this section, the former references to club and hotel “as defined by ... this article” are deleted as unnecessary in light of the use of defined terms that apply throughout this article.

In subsection (b)(2)(i) of this section, the former phrase “in addition to currency” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, subsection (b)(2)(ii) of this section states that a check that is given in payment for “alcoholic beverages” to a license holder and is returned uncollected is prima facie evidence in a civil case of a violation of this section “or § 2–215 of this article”. Section 2–215, however, concerns the sale only of beer and not of any other type of alcoholic beverage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“County” § 31–101

“Hotel” § 1–101

“License” § 1–101

“Retail dealer” § 1–101

“Wine” § 1–101

## **SUBTITLE 5. WHOLESALER’S LICENSES.**

### **31–501. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);**
- (2) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);**
- (3) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);**
- (4) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**
- (5) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**
- (6) § 2–306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);**

- (7) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);
- (8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);
- (9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);
- (10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- (12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);
- (15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

(B) VARIATION.

**SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 31-504 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 31-101  
“Wholesaler’s license” § 1-101

**31-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 31-503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(a).

Defined terms: “Alcoholic beverage” § 1–101  
“Wholesaler’s license” § 1–101

**31–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

**(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

**A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.**

**(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

**THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: "Beer" § 1-101

"Wholesaler's license" § 1-101

**31-504. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

**(A) SCOPE OF SECTION.**

**THIS SECTION AND § 2-314 OF THIS ARTICLE DO NOT APPLY TO A:**

**(1) CLUB THAT IS THE HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE; OR**

**(2) HOTEL THAT IS THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) CONSTRUCTION OF SECTION.**

**FOR PURPOSES OF APPLYING § 2-314 OF THIS ARTICLE:**

**(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER;**

**(2) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH; AND**

**(3) A CHECK THAT IS GIVEN IN PAYMENT FOR BEER TO A HOLDER OF THE LICENSE, AND IS RETURNED UNCOLLECTED, IS PRIMA FACIE EVIDENCE OF A VIOLATION BY THE WHOLESALER OF § 2-314 OF THIS ARTICLE.**

**(C) ENFORCEMENT PROHIBITED.**

**A SUIT OR CIVIL ACTION TO ENFORCE OR COLLECT A CLAIM FOR CREDIT EXTENDED OR ENFORCE PAYMENT OF A CHECK GIVEN FOR PAYMENT IN VIOLATION OF THIS SECTION MAY NOT BE MAINTAINED IN THE STATE.**

**(D) PENALTY.**

**A PERSON WHO VIOLATES § 2-314 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-222(c) through (f) and (h).

In subsection (a) of this section, the former references to club and hotel “as defined by ... this article” are deleted as unnecessary in light of the use of defined terms that apply throughout this article.

In subsection (b)(2) of this section, the former phrase “in addition to currency” is deleted as surplusage.

In subsection (b)(3) of this section, the phrase “by the wholesaler” is added for clarity.

Also in subsection (b)(3) of this section, the former phrase “in any civil case” is deleted because a proceeding relating to a violation of § 2–314 of this article is an administrative action rather than a civil case.

In subsection (c) of this section, the reference to a “civil” action is substituted for the former reference to an action “ex contractu” for clarity. No substantive change is intended.

Former Art. 2B, § 12–222(a), which provided that former Art. 2B, § 12–222 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 12–222(b), which limited the sale of alcoholic beverages to cash unless the alcoholic beverages are delivered to the purchaser at a place designated by the purchaser other than the premises of the license holder, is deleted as obsolete.

Former Art. 2B, § 12–222(g), which prohibited a license holder from using property related to the holder’s alcoholic beverages business as collateral for a loan of more than \$1,000 if a person dealing in, manufacturing, or distributing vending machines, vending devices, pinball machines, or music boxes is a party, is deleted as obsolete.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Hotel” § 1–101

“License” § 1–101

“State” § 1–101

“Wine” § 1–101

## **SUBTITLE 6. BEER LICENSES.**

### **31–601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**



**THERE IS A CLASS A BEER LICENSE.****(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$100.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 3–101(w) and (a)(1) and 11–403(b)(2)(iii)3.

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1–101

“Consumer” § 1–101

**31–602. CLASS B BEER (ON– AND OFF–SALE) LICENSE.****(A) ESTABLISHED.****THERE IS A CLASS B BEER LICENSE.****(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$350.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 3-201(a)(1) and (w)(2) and 11-403(b)(2)(iii)3.

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Beer” § 1-101

“Hotel” § 1-101

“Restaurant” § 1-101

**31-603. CLASS B BEER (ON-SALE ONLY) LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B (ON-SALE ONLY) BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(I) IS IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS;**

**(II) COMMONLY OFFERS HOT AND COLD MEALS THAT ARE PREPARED, SOLD, AND SERVED TO THE PUBLIC DURING REGULAR BUSINESS HOURS;**

(III) HAS A DINING AREA WITH REGULAR SEATING CAPACITY AT TABLES, CHAIRS, AND BOOTHS, THAT, EXCLUDING SEATS AT BARS OR COUNTERS, CAN ACCOMMODATE AT LEAST 50 CUSTOMERS;

(IV) IS EQUIPPED WITH SUFFICIENT KITCHEN AND DINING FACILITIES FOR REGULARLY PREPARING AND SERVING MEALS TO THE PUBLIC;

(V) MAINTAINS A MENU THAT ADVERTISES A VARIETY OF FOOD THAT THE ESTABLISHMENT SERVES;

(VI) SERVES FOOD AT ALL TIMES WHENEVER BEER IS BEING SERVED OR CONSUMED; AND

(VII) HAS, ON AN ANNUAL BASIS, GROSS SALES OF FOOD AND NONALCOHOLIC BEVERAGES THAT EXCEED ITS GROSS SALES OF ALCOHOLIC BEVERAGES.

(2) THE LICENSE:

(I) MAY BE ISSUED COUNTYWIDE BY THE BOARD; AND

(II) IS NOT SUBJECT TO THE POPULATION RATIO QUOTA REQUIREMENTS UNDER § 31-1601 OF THIS TITLE.

(3) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.

(C) TERM OF LICENSE.

THE TERM OF THE LICENSE IS 1 YEAR AND BEGINS ON MAY 1.

(D) FOOD ALCOHOL RATIO REPORT TO BE SUBMITTED.

(1) (I) ONCE EVERY LICENSING CYCLE, THE LICENSE HOLDER SHALL COMPLY WITH A REQUEST FROM THE BOARD TO SUBMIT A FOOD ALCOHOL RATIO REPORT COVERING 2 PRECEDING QUARTERS THAT THE BOARD SELECTS TO DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.

(II) TO ENFORCE THIS PARAGRAPH, THE BOARD MAY:

1. REQUEST THAT A LICENSE HOLDER PROVIDE SUPPORTING DATA OR ADDITIONAL INFORMATION;

2. FINE A LICENSE HOLDER; OR

3. SUSPEND A LICENSE.

(2) WHEN SUBMITTING A FOOD ALCOHOL RATIO REPORT, THE LICENSE HOLDER SHALL INCLUDE A CURRENT MENU AND INFORMATION ON HOURS OF OPERATION AND SALES AMOUNTS AND PERCENTAGES FOR THE SPECIFIED QUARTERS FOR FOOD, NONALCOHOLIC BEVERAGES, AND ALCOHOLIC BEVERAGES.

(3) THE LICENSE HOLDER OR THE LICENSE HOLDER'S ACCOUNTANT SHALL COMPLETE, SIGN, AND PROVIDE FOR THE NOTARIZATION OF THE FOOD ALCOHOL RATIO REPORT.

(E) PREREQUISITE FOR RENEWAL OF LICENSE.

AS A PREREQUISITE FOR THE RENEWAL OF THE LICENSE, THE APPLICANT SHALL HAVE DEMONSTRATED COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.

(F) FEES.

(1) THE ANNUAL LICENSE FEE IS \$50.

(2) THE FEE FOR A SUNDAY PERMIT IS \$250.

REVISOR'S NOTE: Subsection (a) of this section is new language added as the standard introductory language for a license section.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, §§ 3-201(w)(1) and 8-222.1(b), (d), (e), (c)(1), and (f)(1) and (4).

In the introductory language of subsection (b)(1) of this section, the reference to the license being issued to a "restaurant" is substituted for the former reference to the license being issued "if the establishment for which the license is issued is a restaurant" for brevity.

In subsection (b)(1)(vi) of this section, the reference to "beer" is substituted for the former reference to "alcoholic beverages" for clarity.

In subsection (c) of this section, the former phrase May 1 "of each year" is deleted as surplusage.

In subsection (d) of this section, the references to “ratio” are substituted for the erroneous references to “ration” for clarity.

In subsection (d)(1)(ii)2 of this section, the phrase “fine a license holder” is substituted for the former phrase “issue a fine” for clarity.

In subsection (d)(2) and (3) of this section, the references to the “license holder” are substituted for the former references to the “applicant” for clarity and consistency within this subsection.

Former Art. 2B, § 8–222.1(a)(1)(i), which was the standard introduction to a definitions provision, is deleted as unnecessary because this revised section does not define any terms.

Former Art. 2B, § 8–222.1(a)(1)(ii), which defined “Board” to mean the Washington County Board of License Commissioners, is deleted as unnecessary because the term is already defined in § 31–101 of this title.

Former Art. 2B, § 8–222.1(a)(1)(iii), which defined “Class B (on–sale) license of any type”, is deleted as unnecessary because that term is not used in this section.

Former Art. 2B, § 8–222.1(a)(2), which stated that former Art. 2B, § 8–222.1 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 31–101

“On–sale” § 1–101

“Restaurant” § 1–101

#### **31–604. CLASS C BEER LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

##### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

##### **(C) REQUIREMENTS FOR REGULAR LICENSES NOT APPLICABLE.**

**SUBTITLES 14 AND 15 OF THIS TITLE AND § 3-102 OF THE GENERAL PROVISIONS ARTICLE DO NOT APPLY TO AN APPLICANT FOR THE LICENSE.**

**(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$100.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 3-301(w) and (a)(1), 11-403(b)(2)(iii)3, and, as it related to Class C beer licenses, 7-101(t)(4)(x).

In subsection (a) of this section, the former reference to a license being "issued by the local licensing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b) of this section, the former reference to "bona fide" members is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Club" § 1-101

**31-605. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$100.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 3-401(w) and (a)(1) and 11-403(b)(2)(iii)3.

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined term: "Beer" § 1-101

**SUBTITLE 7. LIGHT WINE LICENSES.****31-701. CLASS A LIGHT WINE LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZED THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE WINERY.**

**(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(19), (b)(1), (c)(1), (d)(1), and (e)(1)(ix) and (2).

In subsection (b) of this section, the reference to a “Class 3 winery license” is substituted for the former reference to a “Class 3 manufacturer’s license, who makes wine from agricultural products grown in Maryland” for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license”.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 31–101

“Light wine” § 31–101

## **SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

### **31–801. CLASS A BEER AND LIGHT WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINES IN A SEALED PACKAGE OR CONTAINER.**



**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD.**

**(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$150.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5–101(w) and (a)(1) and 11–403(b)(2)(iii)3.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling beer and light wine “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101

“Light wine” § 31–101

**31–802. CLASS B BEER AND LIGHT (ON– AND OFF–SALE) WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.**

**(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$400.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5–201(a)(1) and (w)(2) and 11–403(b)(2)(iii)3.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Light wine” § 31–101

“Restaurant” § 1–101

**31–803. CLASS B BEER AND LIGHT WINE (ON–SALE ONLY) LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND LIGHT WINE (ON–SALE ONLY) LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(I) IS IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS;**

**(II) COMMONLY OFFERS HOT AND COLD MEALS THAT ARE PREPARED, SOLD, AND SERVED TO THE PUBLIC DURING REGULAR BUSINESS HOURS;**

**(III) HAS A DINING AREA WITH REGULAR SEATING CAPACITY AT TABLES, CHAIRS, AND BOOTHS, THAT, EXCLUDING SEATS AT BARS OR COUNTERS, CAN ACCOMMODATE AT LEAST 50 CUSTOMERS;**

**(IV) IS EQUIPPED WITH SUFFICIENT KITCHEN AND DINING FACILITIES FOR REGULARLY PREPARING AND SERVING MEALS TO THE PUBLIC;**

(V) MAINTAINS A MENU THAT ADVERTISES A VARIETY OF FOOD THAT THE ESTABLISHMENT SERVES;

(VI) SERVES FOOD AT ALL TIMES WHENEVER BEER AND LIGHT WINE ARE BEING SERVED OR CONSUMED; AND

(VII) HAS, ON AN ANNUAL BASIS, GROSS SALES OF FOOD AND NONALCOHOLIC BEVERAGES THAT EXCEED ITS GROSS SALES OF ALCOHOLIC BEVERAGES.

(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.

(3) THE LICENSE:

(I) MAY BE ISSUED COUNTYWIDE BY THE BOARD; AND

(II) IS NOT SUBJECT TO THE POPULATION RATIO QUOTA REQUIREMENTS UNDER § 31-1601 OF THIS TITLE.

(C) TERM OF LICENSE.

THE TERM OF THE LICENSE IS 1 YEAR AND BEGINS ON MAY 1.

(D) FOOD ALCOHOL RATIO REPORT TO BE SUBMITTED.

(1) (I) ONCE EVERY LICENSING CYCLE, THE LICENSE HOLDER SHALL COMPLY WITH A REQUEST FROM THE BOARD TO SUBMIT A FOOD ALCOHOL RATIO REPORT COVERING 2 PRECEDING QUARTERS THAT THE BOARD SELECTS TO DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.

(II) TO ENFORCE THIS PARAGRAPH, THE BOARD MAY:

1. REQUEST THAT A LICENSE HOLDER PROVIDE SUPPORTING DATA OR ADDITIONAL INFORMATION;

2. FINE A LICENSE HOLDER; OR

3. SUSPEND A LICENSE.

**(2) WHEN SUBMITTING A FOOD ALCOHOL RATIO REPORT, THE LICENSE HOLDER SHALL INCLUDE A CURRENT MENU AND INFORMATION ON HOURS OF OPERATION AND SALES AMOUNTS AND PERCENTAGES FOR THE SPECIFIED QUARTERS FOR FOOD, NONALCOHOLIC BEVERAGES, AND ALCOHOLIC BEVERAGES.**

**(3) THE LICENSE HOLDER OR THE LICENSE HOLDER'S ACCOUNTANT SHALL COMPLETE, SIGN, AND PROVIDE FOR THE NOTARIZATION OF THE FOOD ALCOHOL RATIO REPORT.**

**(E) PREREQUISITE FOR RENEWAL OF LICENSE.**

**AS A PREREQUISITE FOR THE RENEWAL OF THE LICENSE, THE APPLICANT SHALL HAVE DEMONSTRATED COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.**

**(F) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$200.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: Subsection (a) of this section is new language added as the standard introductory language for a license section.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, §§ 5–201(w)(1) and 8–222.1(b), (d), (e), (c)(2), and (f)(2) and (4).

In the introductory language of subsection (b)(1) of this section, the reference to the license being issued to a “restaurant” is substituted for the former reference to the license being issued “if the establishment for which the license is issued is a restaurant” for brevity.

In subsection (b)(1)(vi) of this section, the reference to “beer and light wine” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (c) of this section, the former phrase May 1 “of each year” is deleted as surplusage.

In subsection (d) of this section, the references to “ratio” are substituted for the erroneous references to “ration” for clarity.

In subsection (d)(1)(ii)2 of this section, the phrase “fine a license holder” is substituted for the former phrase “issue a fine” for clarity.

In subsection (d)(2) and (3) of this section, the references to the “license holder” are substituted for the former references to the “applicant” for clarity and consistency within this subsection.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 31–101

“On–sale” § 1–101

“Restaurant” § 1–101

“Light wine” § 1–101

#### **31–804. CLASS C BEER AND LIGHT WINE LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.**

##### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

##### **(C) REQUIREMENTS FOR REGULAR LICENSES NOT APPLICABLE.**

**SUBTITLES 14 AND 15 OF THIS TITLE AND § 3–102 OF THE GENERAL PROVISIONS ARTICLE DO NOT APPLY TO AN APPLICANT FOR THE LICENSE.**

##### **(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$200.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5–301(w) and (a)(1), 11–403(b)(2)(iii)3, and, as it related to Class C beer and light wine licenses, 7–101(t)(4)(x).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Light wine” § 31–101

### **31–805. CLASS D BEER AND LIGHT WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

#### **(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

#### **(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$150.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5–401(w) and (a)(1) and 11–403(b)(2)(iii)3.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101

“Light wine” § 31–101

### **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

### **31–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) A LICENSE UNDER THIS SECTION AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$300.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6-101(w) and (a)(1) and (3) and 11-403(b)(2)(iii)3.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the references to “beer, wine, or liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

Also in subsection (b)(1) of this section, the former phrase “at retail, in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell” is substituted for the former reference to “deliver” to conform to the terminology used throughout this article.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Wine” § 1–101

### **31–902. CLASS B BEER, WINE, AND LIQUOR (ON–SALE) RESTAURANT LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) RESTAURANT LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(I) IS LOCATED IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS;**

**(II) COMMONLY OFFERS HOT AND COLD MEALS THAT ARE PREPARED, SOLD, AND SERVED TO THE PUBLIC DURING REGULAR BUSINESS HOURS;**

**(III) EXCLUDING SEATS AT BARS OR COUNTERS, HAS A DINING AREA WITH REGULAR SEATING CAPACITY AT TABLES, CHAIRS, AND BOOTHS, THAT CAN ACCOMMODATE AT LEAST 50 CUSTOMERS;**



(IV) HAS SUFFICIENT KITCHEN AND DINING FACILITIES FOR REGULARLY PREPARING AND SERVING MEALS TO THE PUBLIC;

(V) MAINTAINS A MENU THAT ADVERTISES A VARIETY OF FOOD THAT THE ESTABLISHMENT SERVES;

(VI) SERVES FOOD AT ALL TIMES WHENEVER ALCOHOLIC BEVERAGES ARE BEING SERVED OR CONSUMED; AND

(VII) HAS, ON AN ANNUAL BASIS, GROSS SALES OF FOOD AND NONALCOHOLIC BEVERAGES THAT EXCEED ITS GROSS SALES OF ALCOHOLIC BEVERAGES.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE:

(1) AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND

(2) IS NOT SUBJECT TO THE POPULATION RATIO QUOTA REQUIREMENTS UNDER § 31-1601 OF THIS TITLE.

(D) TERM OF LICENSE.

THE TERM OF THE LICENSE IS 1 YEAR AND BEGINS ON MAY 1.

(E) FOOD ALCOHOL RATIO REPORT TO BE SUBMITTED.

(1) (I) ONCE EVERY LICENSING CYCLE, THE LICENSE HOLDER SHALL COMPLY WITH A REQUEST FROM THE BOARD TO SUBMIT A FOOD ALCOHOL RATIO REPORT COVERING 2 PRECEDING QUARTERS THAT THE BOARD SELECTS TO DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.

(II) TO ENFORCE THIS PARAGRAPH, THE BOARD MAY:

1. REQUEST THAT A LICENSE HOLDER PROVIDE SUPPORTING DATA OR ADDITIONAL INFORMATION;

2. FINE A LICENSE HOLDER; OR

3. SUSPEND A LICENSE.

**(2) THE APPLICANT OR THE APPLICANT’S ACCOUNTANT SHALL COMPLETE, SIGN, AND PROVIDE FOR THE NOTARIZATION OF THE FOOD ALCOHOL RATIO REPORT.**

**(3) WHEN SUBMITTING A FOOD ALCOHOL RATIO REPORT, THE APPLICANT SHALL INCLUDE A CURRENT MENU AND INFORMATION ON HOURS OF OPERATION AND SALES AMOUNTS AND PERCENTAGES FOR THE SPECIFIED QUARTERS FOR FOOD, NONALCOHOLIC BEVERAGES, AND ALCOHOLIC BEVERAGES.**

**(F) PREREQUISITE FOR RENEWAL OF LICENSE.**

**AS A PREREQUISITE FOR THE RENEWAL OF THE LICENSE, THE APPLICANT SHALL HAVE DEMONSTRATED COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.**

**(G) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR (ON-SALE ONLY) LICENSE UNDER § 31-2004(C) OF THIS TITLE.**

**(H) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$750.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR’S NOTE: Subsection (a) of this section is added as standard introductory language for a license section.

Subsections (b) through (f) and (h) of this section are new language derived without substantive change from former Art. 2B, §§ 8-222.1(b), (d), (e), (c)(3), and (f)(3) and (4) and 6-201(w)(2)(ii).

Subsection (g) of this section is new language added for clarity.

In the introductory language of subsection (b)(1) of this section, the language stating that the license may be issued to a “restaurant” is substituted for the former language stating that the license may be issued “if the establishment for which the license is issued is a restaurant” for brevity.

In subsection (c) of this section, the former language stating that the license may “be issued countywide by the Board” is deleted as unnecessary, as it merely repeats common practice.

In subsection (d) of this section, the former phrase May 1 “of each year” is deleted as surplusage.

In subsection (e) of this section, references to the Food Alcohol “Ratio” Report are substituted for the former erroneous references to the Food Alcohol “Ration” Report for clarity.

In subsection (e)(1)(ii)2 of this section, the phrase “fine a license holder” is substituted for the former phrase “issue a fine” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 31–101

“Restaurant” § 1–101

“Wine” § 1–101

**31–903. CLASS B BEER, WINE, AND LIQUOR (ON– AND OFF–SALE) HOTEL AND RESTAURANT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR (ON– AND OFF–SALE) HOTEL AND RESTAURANT LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

**(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

**(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

**(3) CONTAINS:**

**(I) AT LEAST ONE PASSENGER ELEVATOR;**

**(II) AT LEAST 100 ROOMS TO ACCOMMODATE THE PUBLIC; AND**

**(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) LICENSE UNDER § 31-2004(B) OF THIS TITLE.**

**(E) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$1,000.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, §§ 6-201(a)(1) and (3)(i) and (w)(2)(i) and 11-403(b)(2)(iii)3.

Subsection (d) of this section is new language added for clarity.

Subsection (a) of this section is revised standard language used throughout this article to establish a license.

Defined terms: "Beer" § 1-101

"Board" § 31-101

"Hotel" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**31-904. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEES.****(1) THE ANNUAL LICENSE FEE IS:**

**(I) \$500 FOR A CLUB WITH FEWER THAN 600 MEMBERS, INCLUDING SOCIAL MEMBERS; AND**

**(II) \$1,000 FOR A CLUB WITH AT LEAST 600 MEMBERS, INCLUDING SOCIAL MEMBERS.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–301(a)(1) and (w)(2) and 11–403(b)(2)(iii)3.

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (b) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (b) of this section, the former reference to selling “at retail” is deleted as unnecessary in light of the phrase “for on–premises consumption”.

Also in subsection (b) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Former Art. 2B, § 6–301(w)(1), which stated that former Art. 2B, § 6–301(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of this title.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

**31–905. CLASS D BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$750.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6-401(w) and (a)(1) and 11-403(b)(2)(iii)3.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Also in subsection (b) of this section, the reference to the place described "in the license" is substituted for the former reference to the place described "in it" for clarity.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**31-1001. AMUSEMENT PARK LICENSE.**

**(A) ESTABLISHED.**

**THERE IS AN AMUSEMENT PARK BEER LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OPERATOR OF AN AMUSEMENT PARK, WHETHER AN INDIVIDUAL, AN ASSOCIATION OF INDIVIDUALS, OR A CORPORATION.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT ONE OR MORE LOCATIONS WITHIN THE CONFINES OF THE PARK.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER FROM 8 A.M. TO MIDNIGHT ON EVERY DAY FROM MAY 1 TO SEPTEMBER 30 OF EACH YEAR, EXCEPT SUNDAYS AND ELECTION DAYS.**

**(E) ISSUANCE OF MULTIPLE LICENSES.**

**SECTIONS 4-203, 4-204, AND 4-205 OF THIS ARTICLE DO NOT APPLY TO A LICENSE ISSUED UNDER THIS SECTION.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-222(b).

Subsection (a) of this section states expressly what was only implicit in the former law, that an amusement park license exists in the County.

In subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues the license.

In subsection (e) of this section, the former statement that "[s]uch licensees shall be subject to all laws, rules and regulations applicable in the county to the sale of beer, not inconsistent with the provisions of this section" is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 8-222(a), which stated that former Art. 2B, § 8-222 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

“Board” § 31–101

**31–1002. COUNTRY AND GOLF CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (COUNTRY AND GOLF CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) SIGNING OF APPLICATION.**

**AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY THREE OFFICERS OF THE COUNTRY AND GOLF CLUB.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY AND GOLF CLUB THAT:**

**(1) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$30 PER YEAR PER MEMBER; AND**

**(2) MAINTAINS A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST NINE HOLES.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR TO MEMBERS OF THE CLUB AND THEIR GUESTS AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR CONSUMPTION ON THE PREMISES AND GROUNDS OF THE CLUB.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 31–2004 OF THIS TITLE.**

**(F) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$1,000 FOR THE LICENSE YEAR THAT BEGINS IN MAY.**



**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–301(w)(3)(i) and (ii)1 through 4 and, as it related to hours and day of sale, 5 and 11–403(b)(2)(iii)3.

In subsection (b) of this section, the former reference to the application “filed on behalf of any such golf and country club” is deleted as surplusage.

In the introductory language of subsection (c) of this section, the former reference to a country and golf club “in the county” is deleted as surplusage.

In subsections (c)(1) and (d) of this section, the former references to “bona fide” members are deleted as surplusage.

In subsection (c)(1) of this section, the former reference to “whether or not the club is operated for profit” is deleted as surplusage.

In subsection (d) of this section, the reference to “beer, wine, [or] liquor” is substituted for the former reference to “[a]lcoholic beverages” for clarity.

Also in subsection (d) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 31–2004 of this title” is substituted for the former reference to the “license [being] subject to all the provisions of this article and shall include all of the privileges and restrictions applicable thereunder to Class C license holders in Washington County” for clarity and consistency with similar provisions on hours and days of sale in this article.

In subsection (f)(1) of this section, the former reference to May “of each year” is deleted as unnecessary in light of the reference to the “license year”.

Former Art. 2B, § 6–301(w)(3)(ii)5, which stated that a country and golf club license “shall be subject to all the provisions of this article and shall include all of the privileges and restrictions applicable thereunder to Class C license holders in Washington County” is deleted as an unnecessary statement of common practice, except as it related to hours and days of sale for this license.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

**(A) ESTABLISHED.**

**THERE IS:**

- (1) A CLASS C (GOLF COURSE) BEER AND WINE LICENSE; AND**
- (2) A SUNDAY CLASS C (GOLF COURSE) BEER AND WINE LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSES FOR USE BY A PUBLIC GOLF COURSE OR ORGANIZATION THAT HAS A REGULAR OR CHAMPIONSHIP GOLF COURSE WITH A MINIMUM OF NINE HOLES.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE HOLDER MAY SELL BEER AND WINE FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE, USED FOR GOLFING PURPOSES.**

- (2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

**(D) HOURS AND DAYS OF SALE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER AND WINE DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER AND LIGHT WINE LICENSE UNDER § 31-2003 OF THIS TITLE.**

**(2) THE BOARD MAY REDUCE THE LICENSE HOLDER'S HOURS OF SALE OF BEER AND WINE FOR ALL OR PART OF THE LICENSED PREMISES.**

**(E) FEES.**

**THE ANNUAL LICENSE FEE IS:**

- (1) \$750 FOR A 6-DAY CLASS C (GOLF COURSE) BEER AND WINE LICENSE; AND**
- (2) \$250 FOR A SUNDAY CLASS C (GOLF COURSE) BEER AND WINE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–505.1(d), (f) through (g), (e)(1) and (3), and, as it related to Class C (golf course) beer and wine licenses, (c).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsections (c) and (d)(2) of this section, the references to “beer and wine” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (c) of this section, the former reference to “only” on the land and in the buildings used for golfing purposes is deleted to conform to terminology used throughout this article.

In subsection (d)(1) of this section, the reference to the authority of the “license holder” to “sell beer and wine during the hours and days as set out for a Class C beer and light wine license under § 31–2003 of this title” is substituted for the former reference to the “hours and days of sale are as specified in § 11–522 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 8–505.1(a), which stated that the provisions of former Art. 2B, § 8–505.1 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–505.1(b), which defined the term “Board” to mean the Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 31–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 31–101

“Wine” § 1–101

### **31–1004. GOLF COURSE BEER, WINE, AND LIQUOR LICENSES.**

#### **(A) ESTABLISHED.**

##### **THERE IS:**

(1) A CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE;

AND

(2) A SUNDAY CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR

LICENSE.

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSES FOR USE BY A PUBLIC GOLF COURSE OR ORGANIZATION THAT HAS A REGULAR OR CHAMPIONSHIP GOLF COURSE WITH A MINIMUM OF NINE HOLES.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE, USED FOR GOLFING PURPOSES.**

**(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

**(D) HOURS AND DAYS OF SALE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 31-2004 OF THIS TITLE.**

**(2) THE BOARD MAY REDUCE A LICENSE HOLDER'S HOURS OF SALE OF BEER, WINE, AND LIQUOR FOR ALL OR PART OF THE LICENSED PREMISES.**

**(E) FEES.**

**THE ANNUAL LICENSE FEE IS:**

**(1) \$1,000 FOR A 6-DAY CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) \$250 FOR A SUNDAY CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-505.1(d), (f) through (h), (e)(2) and (4), and, as it related to Class C (golf course) beer, wine, and liquor licenses, (c).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsections (c) and (d)(2) of this section, the references to "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (c)(2) of this section, the former reference to “only” on the land and in the buildings used for golfing purposes is deleted to conform to terminology used throughout this article.

In subsection (d)(1) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set for a Class C beer, wine, and liquor license under § 31–2004 of this title” is substituted for the former reference to the “hours and days of sale are as specified in § 11–522 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Defined terms: “Beer” § 1–101

“Board” § 31–101

“Wine” § 1–101

### **31–1005. STADIUM LICENSE.**

#### **(A) “PREMISES” DEFINED.**

**IN THIS SECTION, “PREMISES” INCLUDES THE ENTIRE STADIUM FACILITY AND THE STADIUM PARKING LOTS.**

#### **(B) ESTABLISHED.**

**THERE IS A STADIUM BEER AND LIGHT WINE LICENSE.**

#### **(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A PROFESSIONAL BASEBALL TEAM FRANCHISE THAT MAY BE IN ANY FORM OF BUSINESS ORGANIZATION, INCLUDING PARTNERSHIP, CORPORATION, AND LIMITED LIABILITY COMPANY.**

#### **(D) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE:**

**(I) FOR ON–PREMISES CONSUMPTION TO INDIVIDUALS PRESENT AT AN EVENT HELD IN THE STADIUM; AND**

**(II) IN PLASTIC, STYROFOAM, OR PAPER CONTAINERS.**

**(2) THE WRITTEN APPROVAL OF THE BOARD IS REQUIRED BEFORE BEER AND LIGHT WINE MAY BE SOLD, SERVED, OR CONSUMED:**

**(I) ON A PARKING LOT OF THE STADIUM; OR**

**(II) DURING AN EVENT OTHER THAN A BASEBALL GAME IN WHICH THE TEAM OF THE LICENSE HOLDER IS PLAYING.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE FROM THE TIME THE STADIUM OPENS FOR THE EVENT UNTIL THE EVENT ENDS.**

**(F) CARRYING ALCOHOLIC BEVERAGES ONTO OR FROM LICENSED PREMISES.**

**THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CARRY ALCOHOLIC BEVERAGES ONTO OR FROM THE LICENSED PREMISES.**

**(G) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$2,000.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8-222(c) and 11-403(b)(2)(iii)3.

In subsections (d)(1)(i) and (f) of this section, the references to "individuals" and "individual" are substituted for the former references to "persons" and "person" because these subsections apply only to human beings.

In subsection (f) of this section, the former phrase "[e]xcept for a wholesaler or distributor of beer and light wine that is conducting business with the license holder" is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 31-101

### **31-1006. THEATER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–THEATER LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE IN A THEATER THAT:**

- (1) IS OPERATED BY A NONPROFIT ORGANIZATION;**
- (2) APPEARS ON THE NATIONAL REGISTER OF HISTORIC PLACES;**
- (3) ACCOMMODATES AT LEAST 1,400 INDIVIDUALS; AND**
- (4) IS LOCATED ON THE SOUTH SIDE OF HAGERSTOWN.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION ONLY TO INDIVIDUALS WHO ATTEND A PERFORMANCE OR AN EVENT HELD AT THE THEATER.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 31–2004 OF THIS TITLE.**

**(E) FEES.**

- (1) THE ANNUAL LICENSE FEE IS \$200.**
- (2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

**REVISOR’S NOTE:** Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, §§ 6–201(w)(3) and 11–403(b)(2)(iii)3.

Subsection (d) of this section is new language added to provide a cross–reference to the hours and days of sale provision that applies to a Class B beer, wine, and liquor license in Washington County.

In subsections (b)(3) and (c) of this section, the references to “individuals” are substituted for the former references to “persons” because this section concerns only human beings.

Former Art. 2B, § 6–201(w)(1), which stated that former Art. 2B, § 6–201(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 31–101

“Wine” § 1–101

#### **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

##### **31–1101. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

###### **(B) EXCEPTION.**

**SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

###### **(C) VARIATION.**

**SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 31–1102 OF THIS SUBTITLE.**

**REVISOR’S NOTE:** This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1–101

“County” § 31–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101



**31-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.****(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) FEES.**

**THE ANNUAL PERMIT FEES ARE:**

**(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

**(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 8-222.2.

In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

In subsection (b) of this section, the former language “[b]efore the Board issues a refillable container permit to an applicant” is deleted because it merely states the normal practice of the Board.

In subsection (c) of this section, the reference to the “underlying license” is substituted for the former reference to the “license already held by the person to whom the refillable container permit is issued” for brevity.

Former Art. 2B, § 8–103(a)(1)(ix), which stated that former Art. 2B, § 8–103, consisting of refillable container provisions, applied to Washington County, and former Art. 2B, § 8–222.2(a), which stated that former Art. 2B, § 8–222.2 applied only in Washington County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–222.2(b), which defined “Board” to mean the Board of License Commissioners, is deleted as redundant of the defined term “Board” in § 31–101 of this title.

Former Art. 2B, § 8–222.2(c) is deleted as unnecessary because it merely repeated provisions concerning refillable container permits that appear in § 4–1104 of this article.

Former Art. 2B, § 8–222.2(g), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has power to adopt regulations under § 31–207 of this title.

Defined terms: “Board” § 31–101

“License” § 1–101

“Off–sale” § 1–101

### **31–1103. SIDEWALK CAFE PERMIT.**

#### **(A) ESTABLISHED.**

**THERE IS A SIDEWALK CAFE PERMIT.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF OR AN APPLICANT FOR A CLASS B LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE PERMIT AUTHORIZES THE PERMIT HOLDER TO SELL AND SERVE ALCOHOLIC BEVERAGES IN AN AREA ON THE SIDEWALK DIRECTLY IN FRONT OF THE LICENSED ESTABLISHMENT.**

#### **(D) REQUIREMENTS.**

**TO MAINTAIN A SIDEWALK CAFE PERMIT, THE PERMIT HOLDER SHALL:**

(1) COMPLY WITH REGULATIONS APPLICABLE TO THE ISSUANCE OF THE UNDERLYING CLASS B LICENSE AND WITH ALL MUNICIPAL ORDINANCES AND FIRE AND HEALTH DEPARTMENT REGULATIONS;

(2) ENSURE THAT AT LEAST ONE EMPLOYEE CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM IS ON THE PREMISES AT ALL TIMES DURING THE OPERATION OF THE SIDEWALK CAFE; AND

(3) KEEP THE KITCHEN OPEN DURING ALL HOURS OF OPERATION AND HAVE PREPARED MEALS AVAILABLE TO BE SERVED IN THE SIDEWALK CAFE.

(E) HOURS AND DAYS OF SALE.

A PERMIT HOLDER MAY SELL OR SERVE ALCOHOLIC BEVERAGES IN THE SIDEWALK CAFE EVERY DAY OF THE WEEK FROM NOON TO MIDNIGHT.

(F) FEE.

THE ANNUAL PERMIT FEE IS \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-222(d).

Throughout this section, the references to a "permit" are substituted for the former references to a "license" to conform to the rule followed in this article that a permit is a secondary type of authorization that may be granted to a person who already has a license.

In subsection (d)(1) of this section, the former reference to "rules" is deleted as included in the reference to "regulations".

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 31-101

## SUBTITLE 12. CATERER'S LICENSES.

### 31-1201. LOCAL CATERER'S LICENSE.

(A) ESTABLISHED.

THERE IS A LOCAL CATERER'S LICENSE.

(B) AUTHORIZED HOLDER.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.

(2) BEFORE THE BOARD ISSUES OR RENEWS THE LICENSE, THE COUNTY HEALTH DEPARTMENT SHALL APPROVE THE FOOD PREPARATION FACILITIES FOR A CATERED EVENT.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES A HOLDER TO:

(1) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND

(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.

(D) DUTIES.

THE LICENSE HOLDER SHALL:

(1) PREPARE, DELIVER, AND PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT;

(2) PROVIDE THE SERVICE EMPLOYEES TO SERVE THE BEER, WINE, AND LIQUOR AT THE CATERED EVENT; AND

(3) ENSURE THAT AT LEAST ONE SERVICE EMPLOYEE IS CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM UNDER § 4-505 OF THIS ARTICLE AND IS ON THE PREMISES AT ALL TIMES DURING THE CATERED EVENT.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$1,500.

(F) EFFECT OF SECTION.

THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A

**LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Washington County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6-709(b) through (i).

In subsection (b)(2) of this section, the phrase "for a catered event" is added for clarity.

In subsections (c)(1) and (d)(2) of this section, the references to "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (c)(2) of this section, the reference to the "holder's" license is substituted for the former reference to the "underlying" license for clarity.

Also in subsection (c)(2) of this section, the former phrase "under this article" is deleted as surplusage.

In subsection (d)(1) of this section, the former reference to preparing food "as well as alcoholic beverages" is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section, the reference to a "local" caterer's license is added for clarity.

Also in subsection (f) of this section, the former reference to an "existing" license is deleted as surplusage.

Former Art. 2B, § 6-709(a)(1), which stated that former Art. 2B, § 6-709 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6-709(a)(2), which defined "Board", is deleted as redundant of the definition of "Board" in § 31-101 of this title.

Defined terms: "Beer" § 1-101

"Board" § 31-101

"County" § 31-101

"Hotel" § 1-101

"Off-sale" § 1-101

"On-sale" § 1-101

"Restaurant" § 1-101

“Wine” § 1–101

**SUBTITLE 13. TEMPORARY LICENSES.**

**PART I. IN GENERAL.**

**31–1301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–1202 (“PER DIEM LICENSES”);
- (2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);
- (3) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);
- (4) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);
- (5) § 4–1208 (“HOURS AND DAYS OF SALE”); AND
- (6) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).

**(B) EXCEPTIONS.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- (1) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”), WHICH IS SUPERSEDED BY § 31–1312 OF THIS SUBTITLE; AND
- (2) § 4–1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY § 31–1314 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 31–101

**31–1302. RESERVED.**

**31-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**31-1304. CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL (C&SVWF) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT WILLIAMSPORT CLUB THAT IS CHARTERED BY AN INTERNATIONAL SERVICE ORGANIZATION HEADQUARTERED IN THE UNITED STATES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES HOLDERS OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE TO DISPLAY AND SELL WINE THAT IS MANUFACTURED AND PROCESSED IN THE STATE AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(D) TIME AND LOCATION OF FESTIVAL.**

**THE BOARD:**

**(1) MAY CHOOSE 1 WEEKEND EACH YEAR FOR THE FESTIVAL IN JUNE, JULY, OR AUGUST THAT DOES NOT CONFLICT WITH THE DATES OF THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY; AND**

**(2) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED.**

**(E) FEE.**

**THE BOARD SHALL SET THE LICENSE FEE.**

**(F) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–313.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (d)(1) of this section, the reference to the Maryland Wine Festival “in Carroll County” is added for clarity.

In subsection (d)(2) of this section, the reference to “choos[ing] a location that is not already licensed” is substituted for the former reference to “hav[ing] a wine festival on premises not already licensed under this article” for consistency with terminology used throughout this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (c) of this section, which authorizes license holders to display and sell wine “that is manufactured and processed in the State” may violate the Commerce Clause of the U.S. Constitution, as it apparently excludes wine that is manufactured and processed outside the State.

Defined terms: “Board” § 31–101

“License” § 1–101

“State” § 1–101

“Wine” § 1–101

### **31–1305. WINE FESTIVAL LICENSE.**

#### **(A) “FESTIVAL” DEFINED.**

**IN THIS SECTION, “FESTIVAL” MEANS THE WASHINGTON COUNTY WINE FESTIVAL.**

#### **(B) ESTABLISHED.**

**THERE IS A WASHINGTON COUNTY WINE FESTIVAL (WF) LICENSE.**

#### **(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

#### **(D) SCOPE OF AUTHORIZATION.**



**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS DISTRIBUTED IN THE STATE.**

**(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

- (1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**
- (2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD:**

- (1) EACH YEAR MAY CHOOSE 2 WEEKENDS FOR THE FESTIVAL;**
- (2) SHALL CHOOSE LOCATIONS THAT ARE NOT ALREADY LICENSED;**

**AND**

**(3) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND WINE.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) FEE.**

**THE LICENSE FEE IS \$20.**

**(I) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-313.1(c) through (k) and (a)(1) and (3).

Throughout this section, the former references to a "special" festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (e) of this section, the reference to the requirement that a “license holder shall” display and sell is substituted for the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

In subsections (e)(2) and (f)(2) of this section, the former references to a festival or locations “in the county” are deleted as surplusage.

In subsection (f)(2) of this section, the reference to locations that are not “already licensed” is substituted for the former reference to locations that are not “licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(2) of this section, the former reference to a location “for the festivals” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder” from holding another license for clarity.

Former Art. 2B, § 8–313.1(a)(2), which defined “Board” to mean the Washington County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 31–101 of this title.

Former Art. 2B, § 8–313.1(b), which stated that former Art. 2B, § 8–313.1 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 31–101

“State” § 1–101

“Wine” § 1–101

### **31–1306. BEER AND WINE STREET FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (ON–SALE) BEER AND WINE STREET FESTIVAL LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A NOT-FOR-PROFIT CLUB, SOCIETY, ASSOCIATION, OR ORGANIZATION.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THE CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE AT AN ENTERTAINMENT EVENT THAT IS:**

**(I) HELD IN THE ARTS AND ENTERTAINMENT DISTRICT IN HAGERSTOWN; AND**

**(II) APPROVED BY THE MAYOR OF HAGERSTOWN AND THE HAGERSTOWN CITY COUNCIL.**

**(2) DURING THE EVENT FOR WHICH THE LICENSE IS ISSUED, AN INDIVIDUAL, WITHIN THE APPROVED EVENT AREA AND IN A DESIGNATED CONTAINER UNIQUE TO THE EVENT, MAY:**

**(I) PURCHASE BEER OR WINE FROM THE LICENSE HOLDER, OR PURCHASE BEER OR WINE FROM, AND CONSUME ON THE PREMISES OF, ANY OTHER LICENSE HOLDER WITH ON-SALE PRIVILEGES WITHIN THE ARTS AND ENTERTAINMENT DISTRICT;**

**(II) TRANSPORT THE BEER OR WINE IN THE DESIGNATED CONTAINER TO THE PREMISES OF ANOTHER LICENSE HOLDER WITH ON-SALE PRIVILEGES IN THE ARTS AND ENTERTAINMENT DISTRICT AND WITHIN THE APPROVED EVENT AREA; AND**

**(III) CONSUME THE BEER OR WINE WITHIN THE ARTS AND ENTERTAINMENT DISTRICT EVENT AREA AS APPROVED BY THE MAYOR AND CITY COUNCIL, INCLUDING THE PREMISES OF ANY LICENSE HOLDER WITH ON-SALE PRIVILEGES.**

**(D) APPLICATION PROCESS.**

**(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT AN APPLICATION UNDER OATH ON THE FORM THAT THE BOARD PROVIDES.**

(2) SUBTITLES 14 AND 15 OF THIS TITLE AND § 3-102 OF THE GENERAL PROVISIONS ARTICLE DO NOT APPLY TO AN APPLICANT FOR THE LICENSE.

(E) USE OF WRISTBANDS REQUIRED.

(1) THE LICENSE HOLDER:

(I) AT THE EVENT FOR WHICH THE LICENSE IS ISSUED, SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND

(II) MAY NOT SERVE BEER OR WINE TO AN INDIVIDUAL WHO DOES NOT WEAR A WRISTBAND.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS SUBJECT TO:

(I) FOR A FIRST OFFENSE, A FINE OF \$250; AND

(II) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$1,000 AND DENIAL OF FURTHER REQUESTS FOR A CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE.

(F) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(G) MAXIMUM NUMBER OF DAYS THAT LICENSE MAY BE USED.

THE LICENSE MAY BE USED FOR A MAXIMUM OF 26 DAYS IN A CALENDAR YEAR.

(H) FEE.

THE LICENSE FEE IS \$30 PER DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(12)(iii) and (t)(4)(i) through (iv), (vi) through (viii), (xi), and, as it related to Class C (on-sale) beer and wine street festival licenses, (x) and § 12-107(b)(11).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c)(2) of this section, the reference to “the event for which the license is issued” is substituted for the former reference to “a bona fide entertainment event held in the Arts and Entertainment District in Hagerstown and approved by the Mayor and City Council” for brevity and consistency with language used in subsection (e) of this section.

In subsection (e)(2)(ii) of this section, the reference to “beer and wine” is substituted for the former reference to the broader term “alcoholic beverage” in accordance with the scope of this section.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his paragraph does not prohibit a holder” from holding another license for clarity.

Former Art. 2B, § 7–101(t)(4)(v), which stated that the fee shall be paid before the license is issued, is deleted as unnecessary because it merely states common practice.

Former Art. 2B, § 7–101(t)(4)(ix), which authorized the Board to adopt regulations to implement this section, is deleted as unnecessary because the Board has power to adopt regulations under § 31–207 of this title.

Defined terms: “Beer” § 1–101  
 “Board” § 31–101  
 “License” § 1–101  
 “License holder” § 1–101  
 “Wine” § 1–101

### **31–1307. BEER TASTING LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A BEER TASTING (BT) LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A OR CLASS B BEER AND WINE (BW) LICENSE OR A CLASS A OR CLASS B BEER, WINE, AND LIQUOR (BWL) LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER FOR TASTING IF THE CONSUMER IS NOT CHARGED.**

**(D) LIMIT ON SERVINGS.**

**THE BOARD SHALL REGULATE:**

- (1) THE QUANTITY OF BEER TO BE SERVED TO EACH INDIVIDUAL;**
- (2) THE NUMBER OF BOTTLES OR OTHER CONTAINERS OF BEER FROM WHICH THIS QUANTITY IS BEING SERVED; AND**
- (3) THE SIZE OF THE BOTTLES OR OTHER CONTAINERS.**

**(E) FEE.**

**IN ADDITION TO THE BW LICENSE FEE OR THE BWL LICENSE FEE, THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–902(c) through (g).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to “alcoholic beverages” is deleted in light of the reference to “beer” in accordance with the scope of this section.

In subsection (b) of this section, the former phrase “in the county” is deleted as surplusage.

In subsection (c) of this section, the reference to the license “authoriz[ing] the holder” to allow consumption of beer is added for clarity and consistency with terminology used throughout this article.

In subsection (d)(1) of this section, the reference to each “individual” is substituted for the former, overbroad reference to each “person”.

Former Art. 2B, § 8–902(a), which stated that former Art. 2B, § 8–902 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–902(b), which defined “Board” to mean the Washington County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 31–101 of this title.

Former Art. 2B, § 8–902(h), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has power to adopt regulations under § 31–207 of this title.

Defined terms: “Beer” § 1–101

“Board” § 31–101

“Consumer” § 1–101

### **31–1308. WINE TASTING LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A WINE TASTING (WTL) LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF WINE FOR TASTING.**

#### **(D) NOTICE TO BOARD BEFORE TASTING EVENT.**

**THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 10 DAYS BEFORE A TASTING EVENT.**

#### **(E) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY NOT SERVE MORE THAN 2 OUNCES OF A SINGLE WINE TO A SINGLE CUSTOMER.**

#### **(F) TASTING CHARGE PROHIBITED.**

**A LICENSE HOLDER MAY NOT CHARGE FOR THE WINE TASTING.**

#### **(G) MAXIMUM NUMBER OF DAYS THAT LICENSE MAY BE USED.**

**THE LICENSE MAY BE USED NOT MORE THAN 12 DAYS IN A LICENSING YEAR.**

#### **(H) FEE.**

**IN ADDITION TO THE ANNUAL LICENSE FEE OF A CLASS A BEER, WINE, AND LIQUOR LICENSE, THE ANNUAL LICENSE FEE IS \$200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-411(b) through (g).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to the license "authoriz[ing] the holder" to allow the consumption of wine is added for clarity and consistency with the terminology used throughout this article.

Former Art. 2B, § 8-411(a), which stated that former Art. 2B, § 8-411 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-411(h), which stated that the Board may adopt regulations to carry out this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 31-207 of this title.

Defined terms: "Board" § 31-101

"Beer" § 1-101

"Wine" § 1-101

### **31-1309. LIQUOR TASTING LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A LIQUOR TASTING LICENSE (LTL).**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF LIQUOR FOR TASTING.**

**(2) A LICENSE HOLDER MAY NOT HOLD MORE THAN ONE LIQUOR, BEER, OR WINE TASTING EVENT ON THE SAME DAY.**

#### **(D) APPLICATION PROCESS.**



AN APPLICANT FOR THE LICENSE SHALL SUBMIT AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES.

**(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 10 DAYS BEFORE A TASTING EVENT.

**(F) LIMIT ON SERVING.**

AN INDIVIDUAL MAY CONSUME LIQUOR COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:

**(1) ONE-HALF OUNCE FROM EACH OFFERING OF LIQUOR; AND**

**(2) FOUR OFFERINGS IN 1 DAY.**

**(G) PROCEDURES FOR TASTING EVENT.**

**(1) A MAXIMUM OF FOUR BOTTLES MAY BE OPEN AT ANY ONE TIME AT A LIQUOR TASTING EVENT.**

**(2) AFTER A BOTTLE OF LIQUOR IS OPENED FOR A TASTING EVENT:**

**(I) THE CONTENTS OF THE BOTTLE MAY NOT BE MIXED WITH THAT OF ANY OTHER BOTTLE; AND**

**(II) THE BOTTLE SHALL BE DESTROYED WHEN EMPTY.**

**(H) TASTING CHARGE PROHIBITED.**

A LICENSE HOLDER MAY NOT CHARGE FOR THE LIQUOR TASTING.

**(I) MAXIMUM NUMBER OF DAYS THAT LICENSE MAY BE USED.**

THE LICENSE MAY BE USED FOR A MAXIMUM OF:

**(1) 12 DAYS IN A LICENSING YEAR FOR A 12-TASTING LICENSE; AND**

**(2) 24 DAYS IN A LICENSING YEAR FOR A 24-TASTING LICENSE.**

**(J) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$300 FOR A 12-TASTING LICENSE; AND**
- (2) \$500 FOR A 24-TASTING LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-9A-02(c) through (j).

Throughout this section, the former references to a "special" liquor tasting license are deleted as surplusage.

Also throughout this section, the former references to "sampling" are deleted as redundant of the references to "tasting".

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c)(1) of this section, the reference to the license "authoriz[ing] the holder" to allow the consumption of liquor is added for clarity and consistency with the terminology used throughout this article.

In the introductory language of subsection (g)(2) of this section, the language "after a bottle of liquor is opened for a tasting event" is added for clarity and consistency with the terminology used throughout this article.

Former Art. 2B, § 8-9A-02(a), which defined "Board" to mean the Washington County Board of License Commissioners, is deleted as redundant of the defined term "Board" in § 31-101 of this title.

Former Art. 2B, § 8-9A-02(b), which stated that former Art. 2B, § 8-9A-02 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-9A-02(k), which authorized the Board to adopt regulations to implement this section, is deleted as unnecessary because the Board has power to adopt regulations under § 31-207 of this title.

Defined terms: "Beer" § 1-101  
"Board" § 31-101  
"License" § 1-101  
"License holder" § 1-101  
"Wine" § 1-101

**31-1311. RESERVED.****PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.****31-1312. CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED LICENSE HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A CLUB THAT HAS AN ANNUAL ON-SALE BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A PLACE OTHER THAN THE LICENSE HOLDER'S REGULAR PLACE OF BUSINESS.**

**(D) PERIOD OF AUTHORIZATION.**

**THE BOARD MAY NOT ISSUE THE LICENSE FOR MORE THAN 5 CONSECUTIVE DAYS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(t)(2)(i) and (ii).

Former Art. 2B, § 7-101(t)(1), which stated that former Art. 2B, § 7-101(t) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 31-101

"Club" § 1-101

"On-sale" § 1-101

**31-1313. SUNDAY PICNIC LICENSE.**

**(1) A PICNIC LICENSE AUTHORIZES A CLUB OWNER TO SELL BEER AT A PLACE OTHER THAN THE CLUB OWNER'S REGULAR PLACE OF BUSINESS.**

**(2) THE LICENSE MAY BE EXERCISED ONLY ON SUNDAY BETWEEN NOON AND MIDNIGHT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(t)(3)(i) and (ii).

Defined terms: "Beer" § 1-101

"Club" § 1-101

### **31-1314. FEES.**

#### **THE LICENSE FEE IS:**

- (1) \$15 PER DAY FOR A CLASS C PER DIEM BEER LICENSE;**
- (2) \$25 PER DAY FOR A CLASS C PER DIEM BEER AND WINE LICENSE;**
- (3) \$30 PER DAY FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, EXCEPT THERE IS NO FEE ON SUNDAY; AND**
- (4) \$15 PER DAY FOR A "PICNIC" LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(12)(i) and (ii) and (t)(2)(iii) and (3)(iii).

In item (2) of this section, the reference to "wine" is substituted for the former reference to "light wine" to avoid confusion. In Washington County, a license holder is not restricted to selling wine only with an alcohol content at or below the traditional maximum level for light wine, which is 15.5% by volume.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

#### **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

### **31-1401. APPLICATION OF GENERAL PROVISIONS.**

- (A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD");**

- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (7) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);
- (8) § 4-111 (“PAYMENT OF LICENSE FEES”);
- (9) § 4-112 (“DISPOSITION OF LICENSE FEES”);
- (10) § 4-113 (“REFUND OF LICENSE FEES”); AND
- (11) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 31-1403 THROUGH 31-1408 OF THIS SUBTITLE; AND

(2) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”), SUBJECT TO § 31-1402 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 31-101

**31-1402. RESIDENTS WHO MAY SIGN PETITION OF SUPPORT FOR LICENSE.**

WITH THE LICENSE APPLICATION, THE APPLICANT SHALL SUBMIT A PETITION OF SUPPORT THAT:

**(1) IS SIGNED BY AT LEAST THREE RESIDENTS WHO ARE OWNERS OF REAL PROPERTY AND REGISTERED VOTERS IN THE COUNTY; AND**

**(2) DECLARES THAT THE APPLICANT:**

**(I) IS PERSONALLY KNOWN TO THEM; AND**

**(II) HAS BEEN A RESIDENT OF THE COUNTY FOR 2 YEARS IMMEDIATELY BEFORE PRESENTING THEM WITH THE APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(w).

In the introductory language of this section, the reference to a “petition of support” is substituted for the former reference to a “certificate” to conform to the terminology used throughout this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in item (1) of this section, the reference to “residents” is substituted for the former reference to “citizens” who are owners of real estate and registered voters in the County because the former reference to “citizens” is unclear in this context.

Defined terms: “County” § 31–101  
“License” § 1–101

### **31–1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e)(3)(i).

The reference to “criminal history record information” is substituted for the former reference to “criminal history records check” to conform to the terminology used in CP § 10–201.

Defined terms: “Board” § 31–101  
“Central Repository” § 1–101  
“License” § 1–101

### **31–1404. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.**

**THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e)(4).

The reference to the “applicant’s” fingerprints is added for clarity.

The reference to the requirement to “set and charge” a fee is substituted for the former requirement to “establish” a fee for clarity.

Defined terms: “Board” § 31–101  
“State” § 1–101

**31–1405. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED ENVELOPE.**

**THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A SEALED ENVELOPE AVAILABLE ONLY TO MEMBERS, INSPECTORS, ADMINISTRATORS, AND DESIGNEES OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e)(5)(iii).

The reference to “criminal history record information” is substituted for the former reference to “[i]nformation obtained from the Central Repository” to conform to the terminology used in CP § 10–201.

Defined term: “Board” § 31–101

**31–1406. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e)(5)(iv).

The reference to “criminal history record information” is substituted for the former reference to “[i]nformation” for clarity and to conform to the terminology used in CP § 10–201.

The reference to “the application process” is substituted for the former reference to “their necessary use” for clarity.

Defined term: “Board” § 31–101

**31–1407. HEARING MAY NOT BE DELAYED ON ACCOUNT OF FAILURE TO PROVIDE RECORDS CHECK.**

**THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL BUREAU OF INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORDS CHECK BY THE DATE OF THE SCHEDULED HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e)(6).

Defined term: “License” § 1–101

**31–1408. REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO PRESERVE THE CONFIDENTIALITY OF THE INFORMATION UNDER AND TO CARRY OUT THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e)(8).

Former Art. 2B, § 10–103(e)(2), which provided that former Art. 2B, § 10–103(e) applied only to Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Board” § 31–101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**31–1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**



- (3) § 4-207 (“LICENSES ISSUED TO MINORS”);
- (4) § 4-209 (“HEARING”);
- (5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (6) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (7) § 4-212 (“LICENSE NOT PROPERTY”);
- (8) § 4-213 (“REPLACEMENT LICENSES”); AND
- (9) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 31-1502 OF THIS SUBTITLE;
- (2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 31-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;
- (3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 31-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND
- (4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 31-1504 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 31-101

“License” § 1-101

“Local licensing board” § 1-101

**31-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

**THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(9), except as it related to the renewal of a license by a person that holds an out-of-state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The former reference to a “corporation, or limited liability company” is deleted as included in the defined term “person”.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 31-101

“License” § 1-101

“Light wine” § 31-101

“Person” § 1-101

“Wine” § 1-101

### **31-1503. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and light wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3-401 or § 5-401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“License” § 1–101  
“Light wine” § 31–101

### **31–1504. NOTICE OF LICENSE APPLICATION.**

#### **(A) POSTING NOTICE.**

**IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE ON THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.**

#### **(B) CONTENTS OF POSTING.**

**A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(b)(1)(ii) and (i)8.

In subsection (a) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days for brevity.

Also in subsection (a) of this section, the reference to an “application hearing” is substituted for the former reference to “action upon the application” for consistency with the language used in subsection (b) of this section.

In subsection (b) of this section, the reference to the “date” for an application hearing is added for clarity.

Defined terms: “Board” § 31–101  
“License” § 1–101

## **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

### **PART I. LICENSING CONDITIONS.**

**31-1601. POPULATION QUOTA.****(A) “POPULATION RATIO QUOTA” DEFINED.**

IN THIS SECTION, “POPULATION RATIO QUOTA” MEANS ONE LICENSE FOR EVERY 3,000 INDIVIDUALS RESIDING IN THE ELECTION DISTRICT WHERE THE LICENSE WILL BE ISSUED:

(1) AS DETERMINED BY THE LAST FEDERAL POPULATION CENSUS;  
BUT

(2) EXCLUDING INDIVIDUALS DETAINED OR CONFINED IN A CORRECTIONAL FACILITY AS DEFINED IN § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.

**(B) IN GENERAL.**

EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE IN AN ELECTION DISTRICT IF THE NUMBER OF LICENSES EXCEEDS THE POPULATION RATIO QUOTA.

**(C) PUBLIC NEED EXCEPTION; RENEWAL OR TRANSFER ALLOWED.**

FOR ANY CLASS OF LICENSE, THE BOARD MAY:

**(1) ISSUE THE LICENSE IF THE BOARD:**

(I) DETERMINES THAT THERE IS A PUBLIC NEED, INCLUDING GOVERNMENT-SANCTIONED ECONOMIC REVITALIZATION; AND

(II) STATES IN THE ORDER ISSUING THE LICENSE THE REASONS FOR ITS DECISION TO EXCEED THE POPULATION RATIO QUOTA; OR

(2) RENEW THE LICENSE OR APPROVE THE TRANSFER OF A LICENSE FOR THE SAME PREMISES.

**(D) RESTAURANT EXCEPTION.**

THE BOARD MAY ISSUE AN ON-SALE LICENSE TO A RESTAURANT THAT:

(1) IS LOCATED IN A PERMANENT BUILDING;

- (2) REGULARLY SELLS AND SERVES FOOD TO THE PUBLIC;
- (3) HAS A SEATING CAPACITY OF AT LEAST:
  - (I) 75 PERSONS FOR A CLASS B (ON- AND OFF-SALE) LICENSE;

OR

- (II) 50 PERSONS FOR A CLASS B (ON-SALE) LICENSE; AND

(4) HAS ANNUAL GROSS SALES OF FOOD AND NONALCOHOLIC BEVERAGES THAT EXCEED ITS ANNUAL GROSS SALES OF ALCOHOLIC BEVERAGES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-222(b).

In subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

In the introductory language of subsection (c)(1) of this section, the former phrase "notwithstanding the population ratio quota" is deleted as unnecessary in light of subsection (b) of this section, which excepts subsection (c) from the quota.

In subsection (c)(2) of this section, the reference to the Board "approv[ing] the" transfer "of" a license is added for accuracy.

In subsection (d) of this section, the former defined term "restaurant", which is used only once, is revised as a substantive provision for brevity.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 31-101

"License" § 1-101

### **31-1602. PAYMENT OF GAMING PROCEEDS AND TAXES.**

#### **(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE:**

**(1) UNTIL ALL OUTSTANDING GAMING PROCEEDS, PAYMENTS, AND FINES THAT ARE UNPAID BY THE LICENSE HOLDER OR APPLICANT HAVE BEEN PAID OR JUDICIALLY SATISFIED; OR**

**(2) FOR ANY LOCATION THAT PREVIOUSLY WAS LICENSED UNDER THIS TITLE, UNTIL ALL COUNTY TAXES THAT ARE UNPAID BY THE LICENSE HOLDER FOR THE OPERATION OF THE BUSINESS UNDER THE PREVIOUS LICENSE HAVE BEEN PAID OR JUDICIALLY SATISFIED.**

**(B) EXCEPTIONS.**

**THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

**(1) A TEMPORARY LICENSE; OR**

**(2) A CERTIFICATE OF PERMISSION OR RENEWAL LICENSE ISSUED TO A PERSONAL REPRESENTATIVE UNDER § 4–803 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–222(a).

In the introductory language of subsection (a) of this section, the former reference to a license “to sell alcoholic beverages” is deleted as included in the defined term “license”.

In subsection (b)(1) of this section, the former reference to a “special” license is deleted as unnecessary in light of the reference to a “temporary” license.

Defined terms: “Board” § 31–101

“County” § 31–101

“License” § 1–101

“License holder” § 1–101

**31–1603. RESERVED.**

**31–1604. RESERVED.**

**PART II. MULTIPLE LICENSING PLANS.**

**31–1605. RESERVED.**

**SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**31–1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**
- (3) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 31-1702 OF THIS SUBTITLE; AND**
- (2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 31-1703 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of the names of officers on licenses.

Defined terms: “County” § 31-101  
 “License” § 1-101

**31-1702. PAYMENT OF TAXES.**

**THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE BOARD IS PRESENTED WITH AN AFFIDAVIT THAT CERTIFIES THAT ALL REAL AND PERSONAL PROPERTY TAXES THAT ARE DUE TO THE COUNTY BY THE TRANSFEROR ARE PAID.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(w)(3).

The reference to the Board’s “allow[ing]” the transfer is added to conform to the terminology used throughout this article.

The reference to “real and personal property” taxes is added for clarity and to conform to the terminology used throughout this article.

The former reference to taxes that are “owed” is deleted in light of the reference to taxes that are “due”.

Former Art. 2B, § 10–503(w)(1), which stated that former Art. 2B, § 10–503(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–503(w)(2), which defined “Board” to mean “the Board of License Commissioners”, is deleted as duplicative of the term “Board”, which is defined in § 31–101 of this title.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that former Art. 2B, § 10–503(w)(3) contained no requirement that before approval of a transfer an affidavit be presented to the Board that no State taxes are due.

Defined terms: “Board” § 31–101

“County” § 31–101

“License” § 1–101

### **31–1703. FEES.**

**ON THE TRANSFER OF A LICENSE, THE BOARD SHALL IMPOSE A FEE OF:**

- (1) \$400 EACH TIME THE LICENSE IS TRANSFERRED; AND**
- (2) \$100 EACH TIME THE TRANSFER IS ADVERTISED.**

REVISOR’S NOTE: This section formerly was Art. 2B, § 10–503(w)(4).

The only changes are in style.

Defined terms: “Board” § 31–101

“License” § 1–101

### **31–1704. APPLICANTS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

**AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e), as it related to an applicant for a transfer of a license.



The requirements for a State and national criminal history records check for an applicant for a transfer of a license are identical to the requirements for an applicant for the issuance of a license. The cross-reference to “§ 4–107 of this article”, where those requirements appear in the applications for local licenses subtitle, is substituted for a listing of those requirements, to avoid unnecessary repetition.

Defined terms: “License” § 1–101  
“State” § 1–101

### **SUBTITLE 18. RENEWAL OF LICENSES.**

#### **31–1801. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–403 (“RENEWAL APPLICATION”);**
- (3) § 4–406 (“PROTESTS”);**
- (4) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (5) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (6) § 4–409 (“MULTIPLE LICENSES”); AND**
- (7) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

##### **(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”), SUBJECT TO § 31–1802 OF THIS SUBTITLE; AND**

**(2) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO § 31-1803 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 31-101  
“License” § 1-101

**31-1802. LATE FILING.**

**A LICENSE HOLDER THAT FILES A COMPLETED APPLICATION FOR LICENSE RENEWAL:**

**(1) BETWEEN APRIL 2 AND APRIL 11, INCLUSIVE, IS SUBJECT TO A PENALTY OF \$100; OR**

**(2) ON OR AFTER APRIL 12 IS SUBJECT TO A PENALTY OF \$400.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(o)(3).

Defined terms: “License” § 1-101  
“License holder” § 1-101

**31-1803. PAYMENT OF TAXES.**

**THE BOARD MAY NOT RENEW A LICENSE UNTIL THE LICENSE HOLDER:**

**(1) PAYS ALL COUNTY TAXES THAT ARE DUE UNDER THE LICENSE;**

**AND**

**(2) CERTIFIES BY AFFIDAVIT TO THE BOARD THAT NO COUNTY TAXES ARE DUE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(o)(2).

The former redundant references to taxes that are “owing” are deleted as included in the references to taxes that are “due”.

Former Art. 2B, § 10-301(o)(1), which stated that former Art. 2B, § 10-301(o) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 31–101  
 “County” § 31–101  
 “License” § 1–101  
 “License holder” § 1–101

### **31–1804. HOLDERS OF OUT–OF–STATE LICENSES.**

**NOTWITHSTANDING § 31–1502 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(9), as it related to the renewal of a license by a person who holds an out–of–state license.

The phrase “[n]otwithstanding § 31–1502 of this title,” is added to clarify that this section is an exception to § 31–1502.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out–of–state” license is substituted for the former reference to the “except[ion] by way of renewal, to a person, corporation, or limited liability company holding” an out–of–state license for clarity and to avoid the implication that a licensee can obtain an out–of–state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1–101  
 “Beer” § 1–101  
 “Board” § 31–101  
 “Wine” § 1–101

### **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

#### **31–1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);
- (3) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);
- (4) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND
- (5) § 4-508 (“DISPLAY OF LICENSE”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT TO § 31-1902 OF THIS SUBTITLE; AND**

**(2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 31-1903 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 31-101

“License” § 1-101

“License holder” § 1-101

**31-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**A LICENSE HOLDER MAY EMPLOY AN INDIVIDUAL WHO IS:**

**(1) AT LEAST 18 YEARS OLD TO SELL, SERVE, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES; OR**

**(2) AT LEAST 16 YEARS OLD TO PERFORM ANY TASK OTHER THAN TO SELL, SERVE, OR DELIVER ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(b)(12).

In the introductory language of this section, the reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

### **31–1903. ALCOHOL AWARENESS PROGRAM.**

**(A) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED PREMISES ALLOWED.**

**(1) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:**

**(I) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

**(2) THE LICENSE HOLDER OR INDIVIDUAL SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE ABSENT FROM THE LICENSED PREMISES FOR A PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.**

**(3) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

**(B) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(d) and (c)(2)(i)4, (iii), and (iv)4 and, as it related to Washington County, 1.

In subsection (a) of this section, the references to an “individual” are substituted for the former references to a “person” because this section applies only to human beings.

In subsection (a)(1)(ii) of this section, the reference to being present “on the licensed premises” is added for clarity.

Also in subsection (a)(1)(ii) of this section, the defined term “alcoholic beverage[s]” is substituted for the former reference to “alcohol” to conform to the terminology used throughout this article.

In subsection (a)(2) of this section, the former reference to a “bona fide” personal or business reason is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 31–101

“License holder” § 1–101

## **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

### **31–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

#### **(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

#### **(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Washington County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

### **31–2002. BEER LICENSES.**

#### **(A) CLASS A BEER LICENSE.**

##### **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

#### **(B) CLASS B BEER (ON- AND OFF-SALE) LICENSE.**

**(1) A HOLDER OF A CLASS B BEER (ON- AND OFF-SALE) LICENSE MAY SELL BEER:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) THE LICENSE HOLDER MAY SELL BEER ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS B (ON-SALE ONLY) LICENSE.**

**(1) A HOLDER OF A CLASS B BEER (ON-SALE ONLY) LICENSE MAY SELL BEER:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF ISSUED A SUNDAY LICENSE.**

**(2) THE LICENSE HOLDER MAY SELL BEER ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**



(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.

(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.

(D) PICNIC LICENSE.

A HOLDER OF A PICNIC LICENSE MAY SELL BEER ON SUNDAY FROM NOON TO MIDNIGHT.

(E) CLASS C BEER LICENSE.

(1) A HOLDER OF A CLASS C BEER (ON-SALE) LICENSE MAY SELL BEER:

(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.

(2) THE LICENSE HOLDER MAY SELL BEER ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:

(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR

(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.

(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.

(F) CLASS D BEER LICENSE.

(1) A HOLDER OF A CLASS D BEER (ON-SALE) LICENSE MAY SELL BEER:

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-522, 7-101(t)(3)(ii), 11-301(a)(6), and 11-403(a)(8)(i) and (ii) and (b)(2)(iii)2 and, as they related to beer licenses, (a)(8)(iii) and (b)(2)(iii)1.

In this section, the phrase "if issued a Sunday license" is added for clarity.

In subsection (c)(1)(ii), of this section, the references to a specific class of beer license are substituted for the former references to "the following classes of alcoholic beverages licenses ... [a] Class A (off-sale) license; and [a]ll classes of on-sale alcoholic beverages licenses" for clarity.

Also in subsection (c)(1)(ii) of this section, the Sunday hours of sale are provided to explicitly state what was only implied in the former law, that the Sunday hours of sale are from noon to midnight and, under certain circumstances, from 11 a.m. to midnight.

Defined terms: "Alcoholic beverage" § 1-101  
"Beer" § 1-101

### **31-2003. BEER AND LIGHT WINE LICENSES.**

**(A) CLASS A BEER AND LIGHT WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(B) CLASS B BEER AND LIGHT WINE (ON- AND OFF-SALE) LICENSE.**

(1) A HOLDER OF A CLASS B BEER AND LIGHT WINE (ON- AND OFF-SALE) LICENSE MAY SELL BEER AND LIGHT WINE:

(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.

(2) THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:

(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR

(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.

(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.

(C) CLASS B BEER AND LIGHT WINE (ON-SALE ONLY) LICENSE.

(1) A HOLDER OF A CLASS B BEER AND LIGHT WINE (ON-SALE ONLY) POURING LICENSE MAY SELL BEER AND LIGHT WINE:

(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.

(2) THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:

(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR

(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS B SIDEWALK CAFE PERMIT.**

**A HOLDER OF A CLASS B SIDEWALK CAFE PERMIT MAY SELL OR PROVIDE BEER AND LIGHT WINE IN THE SIDEWALK CAFE ON MONDAY THROUGH SUNDAY, FROM NOON TO MIDNIGHT.**

**(E) CLASS C BEER AND LIGHT WINE LICENSE.**

**(1) A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(F) CLASS D BEER AND LIGHT WINE LICENSE.**

**(1) A HOLDER OF A CLASS D BEER AND LIGHT WINE (ON-SALE) LICENSE MAY SELL BEER AND LIGHT WINE:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-522, 8-222(d)(6), and 11-403(a)(1)(ii) and (8) and (b)(2)(iii)1 and 2.

In this section, the references to specific beer and light wine licenses are substituted for the former references to "the following classes of alcoholic beverages licenses ... [a] Class A (off-sale) license; and [a]ll classes of on-sale alcoholic beverages licenses" for clarity.

Defined terms: "Alcoholic beverage" § 1-101  
 "Beer" § 1-101

**31-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR (OFF-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(B) CLASS B BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) LICENSE.**

**(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE SUNDAY IMMEDIATELY PRECEDING THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS B BEER, WINE, AND LIQUOR (ON-SALE ONLY) LICENSE.**

**(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE ONLY) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS B SIDEWALK CAFE PERMIT.**

A HOLDER OF A CLASS B SIDEWALK CAFE PERMIT MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR IN THE SIDEWALK CAFE ON MONDAY THROUGH SUNDAY, FROM NOON TO MIDNIGHT.

**(E) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR (ON-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE SUNDAY IMMEDIATELY PRECEDING THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(F) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY EXERCISE THE PRIVILEGES CONFERRED BY THE LICENSE ON THE**

**SUNDAY IMMEDIATELY PRECEDING THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-522, 8-222(d)(6), and 11-403(a)(1)(ii) and (8) and (b)(2)(iii)1 and 2.

In this section, the references to specific beer, wine, and liquor licenses are substituted for the former references to “the following classes of alcoholic beverages licenses ... [a] Class A (off-sale) license; and [a]ll classes of on-sale alcoholic beverages licenses” for clarity.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Wine” § 1-101

**31-2005. WHEN NEW YEAR'S EVE FALLS ON SUNDAY.****A LICENSE HOLDER MAY PURCHASE A PER DIEM ON-SALE LICENSE FOR \$50 FOR USE WHEN NEW YEAR'S EVE FALLS ON A SUNDAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-403(b)(2)(iii)4.

The reference to a “per diem” license is substituted for the former reference to a “1 day” license to conform to the terminology used throughout this article.

The former phrase “in addition to any other annual license fee” is deleted as surplusage.

Defined terms: “License” § 1-101

“License holder” § 1-101

“On-sale” § 1-101

**GENERAL REVISOR'S NOTE TO SUBTITLE**

Former Art. 2B, § 11-402(w)(1), which stated that former Art. 2B, § 11-402(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11-402(w)(2) and (3) are deleted as unnecessary. These former provisions prohibited construing this article from requiring a holder of an on-sale license to close the licensed premises until 2 a.m. on January 1 of any year. This prohibition is unnecessary in light of § 31-2001 of this subtitle, which prohibits consumption from 2 a.m. to 6 a.m. Additionally, when December 31 falls on a Sunday, the former provisions stated that a holder of an on-sale license may make sales of



alcoholic beverages from 9 p.m. on December 31 until 2 a.m. the following day. These provisions are rendered redundant by §§ 31–2002(b)(3), (c)(3), (d)(2), and (e)(3); 31–2003(b)(3), (c)(3), (d)(3), (e)(2), and (f)(2); and 31–2004(b)(3), (c)(3), (d)(3), (e)(3), (f)(2), and (h)(3) of this subtitle, which state that on Sunday the license holder may remain open from noon until 2 a.m. the following Monday when that Monday is a federal holiday. When December 31 falls on a Sunday, the following Monday is a federal holiday.

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **31–2101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”);**
- (3) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND**
- (4) § 4–606 (“EFFECTS OF REVOCATION”).**

#### **(B) VARIATION.**

**SECTION 4–605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 31–2102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: “County” § 31–101

“License” § 1–101

“Local licensing board” § 1–101

### **31–2102. NUDITY AND SEXUAL DISPLAYS — EXCEPTIONS FOR THEATERS.**

**SECTION 4–605 OF THIS ARTICLE DOES NOT APPLY TO:**

- (1) THE WASHINGTON COUNTY PLAYHOUSE; AND**

**(2) A THEATER HOLDING A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-405(i).

In item (2) of this section, the former reference to a Class B beer, wine and liquor on-sale license “under § 6-201(w) of this article” is deleted as surplusage.

Former Art. 2B, § 10-405(a)(16), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“Wine” § 1-101

**SUBTITLE 22. EXPIRATION OF LICENSES.**

**31-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 31-101

“License” § 1-101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**31-2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 31-101

“License holder” § 1-101

**SUBTITLE 24. JUDICIAL REVIEW.**

**31-2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 31-101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.****31-2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.****(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 1 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(w) and (a)(1) and the introductory language of (2).

In subsections (a) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

#### **SUBTITLE 26. ENFORCEMENT.**

##### **31–2601. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined term: “County” § 31–101

#### **SUBTITLE 27. PROHIBITED ACTS.**

##### **31–2701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

- (2) § 6-306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);
- (3) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);
- (5) § 6-310 (“PROVIDING FREE FOOD”);
- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (13) § 6-320 (“DISORDERLY INTOXICATION”);
- (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (17) § 6-327 (“TAX EVASION”);

(18) § 6–328 (“DESTRUCTION OF EVIDENCE”); AND

(19) § 6–329 (“PERJURY”).

(B) EXCEPTION.

SECTION 6–322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 31–2702 OF THIS SUBTITLE; AND

(2) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 31–2703 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 31–101

“License holder” § 1–101

“Retail dealer” § 1–101

**31–2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

(A) SUMMONS; BAIL.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–304 OF THIS ARTICLE:

(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND

(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

Former Art. 2B, § 12-108(f)(1)(xi), which stated that the provisions of former Art. 2B, § 12-108(f) applied in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 31-101

"License holder" § 1-101

"State" § 1-101

**31-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.****(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

Defined terms: "Board" § 31-101

"License holder" § 1-101

"State" § 1-101

**31-2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

**(A) "KNOWINGLY" DEFINED.**

**IN THIS SECTION, "KNOWINGLY" MEANS THE KNOWLEDGE A REASONABLE INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.**

**(B) PROHIBITED.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:**

**(1) A HABITUAL DRUNKARD;**



**(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

**(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE OF THE INDIVIDUAL'S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND MIND.**

**(C) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-110(a) and, as it related to Washington County, the first sentence of (b).

In subsection (a) of this section, the former reference to the definition of knowingly applying "as to habitual drunkards" is deleted as surplusage.

In subsection (b) of this section, the defined term "alcoholic beverage" is substituted for the former references to "intoxicating beverages" for clarity and consistency with the terminology used throughout this article.

Also in subsection (b) of this section, the former references to "barter" and "furnish" are deleted as included in the references to "sell" and "provide".

In subsection (b)(2) of this section, the reference to an individual with an "intellectual disability" is substituted for the former reference to a "mentally deficient" person to conform to the requirements of Chapter 119 of the Acts of 2009. Chapter 119 requires the substitution of the term "intellectual disability" in the Code for the former reference of "mentally deficient".

In subsection (b)(3) of this section, the reference to a "family member or guardian" is substituted for the former reference to "parent or parents, guardian, husband, wife, son, daughter, brother, or sister" for brevity.

Also in subsection (b)(3) of this section, the reference to an "employee of the license holder" is added for consistency within this subsection.

In subsection (c) of this section, the former reference to imprisonment “in the county jail” and to both fine and imprisonment “in the discretion of the court” are deleted as surplusage and to conform to standard language for imposition of a penalty for a criminal conviction.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the penalty stated in subsection (c) of this section applies only to a license holder who violates this section and not to an employee of a license holder, even though, under subsection (b) of this section, both a license holder and the holder’s employee are prohibited from selling or providing an alcoholic beverage to a habitual drunkard, an individual with an intellectual disability, or to an individual whose relative has given notice. The employee would, presumably, be subject to the general penalty for a violation of this article under § 6–402 of this article.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

#### **SUBTITLE 28. PENALTIES.**

#### **31–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 31–101

#### **31–2802. PENALTY IMPOSED BY BOARD.**

##### **(A) PENALTY.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500 OR SUSPEND A LICENSE OR BOTH ON A LICENSE HOLDER WHO VIOLATES THIS ARTICLE.**

##### **(B) CONDITIONS.**

**IN DECIDING WHETHER TO FINE A LICENSE HOLDER OR SUSPEND THE LICENSE, THE BOARD SHALL CONSIDER WHETHER:**

**(1) THE PUBLIC WELFARE AND MORALS WOULD BE IMPAIRED BY ALLOWING THE LICENSE HOLDER TO OPERATE DURING THE SUSPENSION PERIOD; AND**

**(2) THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED DISCIPLINARY PURPOSES.**

**(C) FINES PAID TO BOARD.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(w)(1) through (4).

In the introductory language of subsection (b) of this section, the reference to considering "whether" is substituted for the former reference to considering "the following points" for brevity.

In subsection (b)(2) of this section, the reference to the "fine" is substituted for the former reference to the "sum of money" for brevity.

Former Art. 2B, § 16-507(w)(5), which authorized the Board to adopt regulations, is deleted as unnecessary because the Board has power to adopt regulations under § 31-206 of this title.

Defined terms: "Board" § 31-101

"License" § 1-101

"License holder" § 1-101

### **31-2803. EXPUNGEMENT OF RECORD OF VIOLATION.**

**THE BOARD SHALL EXPUNGE THE RECORD OF A VIOLATION OF THIS ARTICLE OR A REGULATION ADOPTED UNDER THIS ARTICLE 5 YEARS AFTER THE DATE THE VIOLATION OCCURRED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-508.1(b).

The reference to "the record of" a violation is added for clarity and consistency within this article.

Former Art. 2B, § 16-508.1(a), which provided that former Art. 2B, § 16-508.1 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Board” § 31–101

**TITLE 32. WICOMICO COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**32–101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR WICOMICO COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Wicomico County”.

**(C) COUNTY.**

**“COUNTY” MEANS WICOMICO COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Wicomico County”.

**REVISOR’S NOTE TO SECTION**

Former Art. 2B, § 1–102(b)(4), which defined “bowling alley” to be an establishment that provides bowling lanes and bowling activities for the public and which may have a dining room or snack bar area, is deleted as unnecessary because it did not add to the meaning of the term “bowling alley” as it is commonly understood.

Former Art. 2B, § 15–111(c)(2), which stated that, in Wicomico County, the director of finance shall collect license fees, is deleted as redundant of § 1–101(o) of this article, which states that the defined term “local collecting agent” means, in Wicomico County, the director of finance.

### **32–102. SCOPE OF TITLE.**

#### **THIS TITLE APPLIES ONLY IN WICOMICO COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

### **32–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 32–101

### **GENERAL REVISOR’S NOTE TO SUBTITLE**

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(x), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

## **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

**32-201. ESTABLISHED.****(A) IN GENERAL.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR WICOMICO COUNTY.**

**(B) BOARD AS STATE UNIT.**

**THE BOARD IS A STATE UNIT THAT ADMINISTERS THIS TITLE AND MAY ISSUE, DENY, REVOKE, OR SUSPEND LICENSES.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Wicomico County exists.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 15-108.1.

In subsection (b) of this section, the reference to a State "unit" is substituted for the former reference to a State "agency" to conform to the terminology used in revised articles.

Defined terms: "Board" § 32-101

"License" § 1-101

"State" § 1-101

**32-202. MEMBERSHIP.****(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.**

**(B) QUALIFICATIONS.**

**EACH MEMBER OF THE BOARD SHALL BE:**

**(1) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(2) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(C) TENURE.**

**(1) THE TERM OF A MEMBER IS 4 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(D) VACANCIES.**

**(1) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(E) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(3) and (x)(2) and (3) and 15–110(a).

In subsection (a) of this section, the reference to “members” is substituted for the former reference to “persons” to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the former reference to members “constitut[ing]” the Board is deleted as surplusage.

In subsection (b)(1) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Wicomico County.

In subsection (b)(2) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the defined term “person” may serve as a member of a board of license commissioners.

In subsection (c)(2) of this section, the requirement that the terms of the members of the Board be staggered as required on “July 1, 2016” is substituted for the former obsolete requirement that the terms be staggered as required on “July 1, 1994”. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Wicomico County.

Also in subsection (c)(2) of this section, the former reference to terms “continu[ing]” to be staggered is deleted as surplusage.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Defined terms: “Board” § 32–101  
“County” § 32–101

### **32–203. CHAIR.**

#### **THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(x)(4).

The reference to “[t]he Governor” is added to make explicit what was only implied in the former law, that the Governor is required to designate a chair.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Former Art. 2B, § 15–101(x)(1), which provided that former Art. 2B, § 15–101(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Board” § 32–101

### **32–204. SALARIES; STAFF.**

#### **(A) SALARIES.**

**(1) THE CHAIR OF THE BOARD SHALL RECEIVE \$5,000 ANNUALLY.**



**(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE \$4,000 ANNUALLY.**

**(B) STAFF.**

**SUBJECT TO THIS SECTION AND § 32–205 OF THIS SUBTITLE, THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(2) SET THE COMPENSATION OF THE EMPLOYEES.**

**(C) ATTORNEY.**

**(1) THE BOARD MAY DESIGNATE AN ATTORNEY FOR THE BOARD.**

**(2) THE ANNUAL SALARY OF THE ATTORNEY:**

**(I) IS \$10,000; AND**

**(II) SHALL BE PROVIDED IN THE COUNTY BUDGET.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(x)(2) and 15–112(a)(2) and (x)(4).

In subsection (a) of this section, the former reference to “compensation” is deleted as surplusage.

In subsection (a)(1) of this section, the reference to a “chair” is substituted for the former reference to a “[c]hairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (a)(2) of this section, the reference to each “other” member of the Board is added for clarity.

In subsection (b)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Former Art. 2B, § 15–109(x)(1), which provided that former Art. 2B, § 15–109(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 32–101

“County” § 32–101

### **32–205. INSPECTORS.**

#### **(A) IN GENERAL.**

**(1) THE BOARD SHALL APPOINT A FULL–TIME INSPECTOR AND A PART–TIME INSPECTOR.**

**(2) THE SALARIES OF THE INSPECTORS SHALL BE AS PROVIDED IN THE COUNTY BUDGET.**

#### **(B) POWERS.**

**THE INSPECTORS HAVE THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE.**

#### **(C) DUTIES.**

**THE BOARD SHALL SPECIFY THE DUTIES OF THE INSPECTORS, WHICH SHALL BE FOR THE PROPER ADMINISTRATION AND ENFORCEMENT OF THE ALCOHOLIC BEVERAGES LAWS IN THE COUNTY.**

#### **(D) OATH.**

**THE INSPECTORS SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.**

#### **(E) BOND.**

**(1) THE INSPECTORS SHALL SEPARATELY PROVIDE A PENALTY BOND OF \$2,000 TO THE BOARD AND THE COUNTY JOINTLY ON THE CONDITION THAT THE INSPECTOR AND PART–TIME INSPECTOR FAITHFULLY PERFORM THE DUTIES OF OFFICE.**

**(2) THE COUNTY SHALL PAY THE COST OF THE BONDS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(x)(2).

Throughout this section, references to the “inspectors” are substituted for the former references to the “inspector” and the “part–time inspector”.

In subsection (b) of this section, the reference to the powers “arising out of or relating to the enforcement of this article” is substituted for the former reference to the powers “[f]or the purposes of the alcoholic beverages laws” for consistency with other similar provisions of this article.

In subsection (d) of this section, the reference to the requirement to “take the oath required by Article I, § 9 of the Maryland Constitution” is substituted for the former reference to the requirement to “make oath faithfully to perform the duties entrusted to them, as provided in Article I, § 9 of the Maryland Constitution” for brevity.

In subsection (e)(1) of this section, the reference to a “penalty” bond is added for clarity.

Also in subsection (e)(1) of this section, the reference to the inspector and part–time inspector “faithfully perform[ing] the duties of office” is substituted for the former reference to the inspector and part–time inspector “well and faithfully execut[ing] their offices in all things pertaining to them” for brevity and clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 32–101

“County” § 32–101

“State” § 1–101

### **32–206. DISPOSITION OF LICENSE FEES.**

**THE COUNTY COUNCIL SHALL PAY THE SALARIES AND EXPENSES OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(x).

Defined term: “Board” § 32–101

### **32–207. ENFORCEMENT AND REGULATIONS.**

#### **(A) ENFORCEMENT.**

**THE BOARD SHALL COORDINATE THE ENFORCEMENT OF ALL ALCOHOLIC BEVERAGES LICENSING LAWS FOR THE COUNTY.**

**(B) REGULATIONS.****THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–112(x)(3) and 16–301(a), as they related to the authority of the Board to adopt regulations.

In subsection (b) of this section, the defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Wicomico County.

Also in subsection (b) of this section, the reference to the Board “adopt[ing] regulations to carry out this article” is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

Also in subsection (b) of this section, the former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Former Art. 2B, § 15–112(x)(1), which stated that former Art. 2B, § 15–112(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this article.

Defined terms: “Board” § 32–101  
“County” § 32–101

**SUBTITLE 3. LIQUOR CONTROL BOARD.****32–301. DEFINITIONS.****(A) IN GENERAL.**

**IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: This subsection is new language added as the standard introductory language to a definition section.

**(B) DISPENSARY.**

**“DISPENSARY” MEANS A STORE ESTABLISHED AND MAINTAINED BY THE LIQUOR CONTROL BOARD FOR THE SALE OF ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This subsection is new language added to provide a convenient reference to a store established and maintained by the Liquor Control Board.

Defined terms: "Alcoholic beverage" § 1-101  
"Liquor Control Board" § 32-301

**(C) LIQUOR CONTROL BOARD.**

**"LIQUOR CONTROL BOARD" MEANS THE LIQUOR CONTROL BOARD FOR THE COUNTY.**

REVISOR'S NOTE: This subsection is new language added to provide a convenient reference to the Liquor Control Board for the County.

Defined term: "County" § 32-101

**32-302. ESTABLISHED.**

**THERE IS A LIQUOR CONTROL BOARD FOR WICOMICO COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-201(a) and, as it related to Wicomico County, 15-210.

**32-303. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE LIQUOR CONTROL BOARD WITH THE ADVICE AND CONSENT OF THE SENATE.**

**(B) QUALIFICATIONS.**

**EACH MEMBER OF THE LIQUOR CONTROL BOARD SHALL BE:**

- (1) A RESIDENT AND VOTER IN THE COUNTY; AND**
- (2) AN INDIVIDUAL OF HIGH CHARACTER, INTEGRITY, AND RECOGNIZED BUSINESS CAPACITY.**

**(C) RESTRICTIONS.**

- (1) A MEMBER OF THE LIQUOR CONTROL BOARD MAY NOT:**

(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR

(II) DERIVE PROFIT OR REMUNERATION FROM THE SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE DISCHARGE OF THE DUTIES OF THE OFFICE.

(2) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

(D) TENURE.

THE TERM OF A MEMBER IS 2 YEARS AND BEGINS ON JULY 1.

(E) VACANCIES.

IF A VACANCY OCCURS, IT SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–201(b)(1)(i) and (ii), (c)(1), (d)(4), (e)(1), (j)(1), and the first sentence of (f) and, as it related to membership in a liquor control board, 15–208(a).

In subsection (d) of this section, the former obsolete reference to “July 1, 1977” as the starting date for the initial members of the Liquor Control Board is deleted.

In subsection (e) of this section, the former phrase “[e]xcept as provided in paragraph (2) of this subsection” is deleted as unnecessary because former paragraph (2) did not apply to the County.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 32–101

“Liquor Control Board” § 32–301

“Person” § 1–101

### **32–304. CHAIR.**

THE LIQUOR CONTROL BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–201(g).

The reference to electing a chair “from among its members” is added for clarity and consistency within the Code. *See, e.g.*, CP § 16–301(e).

The former reference requiring a liquor control board to “organize by” electing a chair is deleted for clarity and brevity and as unnecessary.

Defined term: “Liquor Control Board” § 32–301

### **32–305. MEETINGS; SALARIES; STAFF.**

#### **(A) MEETINGS.**

**THE LIQUOR CONTROL BOARD SHALL MEET AS OFTEN AS NECESSARY FOR THE PUBLIC BUSINESS.**

#### **(B) SALARIES.**

**(1) THE CHAIR OF THE LIQUOR CONTROL BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$6,000.**

**(2) THE OTHER MEMBERS OF THE LIQUOR CONTROL BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$5,000.**

#### **(C) STAFF.**

**(1) THE LIQUOR CONTROL BOARD SHALL APPOINT EMPLOYEES NECESSARY TO OPERATE THE DISPENSARY SYSTEM, SET EMPLOYEE COMPENSATION, AND REQUIRE A BOND FOR THE FAITHFUL PERFORMANCE OF EMPLOYEE DUTIES.**

**(2) (I) AN EMPLOYEE OF THE LIQUOR CONTROL BOARD MAY NOT:**

- 1. HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

- 2. DERIVE PROFIT OR REMUNERATION FROM THE SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE DISCHARGE OF THE DUTIES OF THE OFFICE.**

**(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–205(a)(1)(i), 15–201(h)(6) and (i)(1), and, as it related to employees of the Liquor Control Board, 15–208(a).

In subsection (b) of this section, the references to the “salary” of Liquor Control Board members are substituted for the former reference to “compensation” for the members for clarity and consistency within this revised article.

In subsection (c)(1) of this section, the former reference to the duties “of the ... position, as herein prescribed or authorized” is deleted as surplusage.

In subsection (c)(2)(ii) of this section, the reference to the defined term “person” who performs specific prohibited acts is substituted for the former reference to “any employee of said board” who performs specific prohibited acts for clarity and brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Dispensary” § 32–301

“Liquor Control Board” § 32–301

“Person” § 1–101

### **32–306. MONOPOLY CONTROL.**

**SUBJECT TO § 1–309 OF THIS ARTICLE, THE LIQUOR CONTROL BOARD HAS A MONOPOLY ON THE SALE AND DISTRIBUTION IN THE COUNTY OF:**

- (1) WINE THAT CONTAINS MORE THAN 15.5% ALCOHOL BY VOLUME;**
- AND**
- (2) LIQUOR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–204(a).

The references to “wine that contains more than 15.5% alcohol by volume” and “liquor” are substituted for the former reference to “particular alcoholic beverages which elsewhere in this subtitle it is empowered to sell” to state expressly what was only implicit in the former law. *See* § 32–309(d) of this subtitle.

Defined terms: “County” § 32–101

“Liquor Control Board” § 32–301

“Wine” § 1–101

### **32–307. BORROWING POWER.**



**(A) LIMITATION.**

**(1) THE COUNTY MAY LOAN MONEY TO THE LIQUOR CONTROL BOARD TO PROVIDE THE LIQUOR CONTROL BOARD WITH ADEQUATE WORKING CAPITAL TO ACQUIRE, ESTABLISH, AND OPERATE THE DISPENSARY SYSTEM AND WAREHOUSE FACILITIES.**

**(2) THE COUNTY MAY FINANCE A LOAN UNDER THIS SUBSECTION BY ISSUING NOTES, CERTIFICATES OF INDEBTEDNESS, OR BONDS AS THE COUNTY FINDS NECESSARY.**

**(3) (I) THE LIQUOR CONTROL BOARD MAY BORROW MONEY FROM A BANKING INSTITUTION ON THE LIQUOR CONTROL BOARD'S OWN CREDIT; BUT**

**(II) THE AGGREGATE SUM ADVANCED TO OR BORROWED BY THE LIQUOR CONTROL BOARD MAY NOT EXCEED \$500,000.**

**(B) INTEREST RATE.**

**(1) MONEY SHALL BEAR INTEREST AT THE LOWEST RATE POSSIBLE, NOT EXCEEDING 6% A YEAR THAT, UNDER THIS SUBTITLE IS:**

**(I) LOANED TO THE LIQUOR CONTROL BOARD BY THE COUNTY;**

**(II) BORROWED BY THE COUNTY; OR**

**(III) BORROWED BY THE LIQUOR CONTROL BOARD.**

**(2) MONEY LOANED OR BORROWED, AND THE INTEREST ON IT, SHALL BE REPAID FROM THE RECEIPTS FROM SALES MADE AT THE DISPENSARIES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-202(a), (b)(1) and (2)(ii), and (c)(2).

Wicomico County adopted a charter form of government in 1964, replacing the Wicomico County Board of Commissioners with the Wicomico County Executive and County Council. In each instance in this section where "county commissioners" is used in the source law, "County" is substituted.

In subsection (a)(1) and (3)(i) of this section, the former phrase "from time to time" is deleted as surplusage. Similarly, in subsection (a)(1) and (2) of this section, the references stating that the County "may" loan or finance a loan

are substituted for the former references stating that a county “is hereby authorized and empowered” to loan or finance a loan for brevity.

In subsection (a)(1) of this section, the reference authorizing a county to “loan” money to a county dispensary is substituted for the former reference authorizing a county to “advance” money to a county dispensary for clarity.

Also in subsection (a)(1) of this section, the former reference to “branch dispensaries” is deleted as included in the reference to the “dispensary system”. Similarly, in subsection (b)(2) of this section, the reference to the “dispensaries” is substituted for the former reference to the “county liquor dispensary, or branch dispensaries”.

Also in subsection (a)(1) of this section, the former reference to dispensary system and warehouse facilities “as found necessary under this subtitle” is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to “a sum of” money is deleted as unnecessary.

In subsection (a)(2) of this section, the reference authorizing a county to “finance a loan under this subsection” is substituted for the former reference authorizing a county to “borrow upon the credit of the county” to advance money to a liquor control board for clarity, brevity, and because the source law being substituted for is implicit in the reference to the issuance of county debt instruments.

Defined terms: “County” § 32–101

“Dispensary” § 32–301

“Liquor Control Board” § 32–301

### **32–308. OTHER POWERS.**

**SUBJECT TO § 1–309 OF THIS ARTICLE, THE LIQUOR CONTROL BOARD MAY:**

**(1) PURCHASE FROM A HOLDER OF A WHOLESALER’S LICENSE OR MANUFACTURER’S LICENSE ALCOHOLIC BEVERAGES THAT THE LIQUOR CONTROL BOARD IS AUTHORIZED TO SELL AND ON WHICH THE EXCISE TAX IMPOSED BY § 5–102 OF THE TAX – GENERAL ARTICLE IS PAID;**

**(2) (I) PURCHASE FROM A HOLDER OF A RESIDENT OR NONRESIDENT DEALER’S PERMIT AND IMPORT FOR RESALE ALCOHOLIC BEVERAGES THAT THE LIQUOR CONTROL BOARD IS AUTHORIZED TO SELL; AND**

**(II) RESELL THE ALCOHOLIC BEVERAGES ONCE THE EXCISE TAX IS PAID;**

- (3) SELL ALCOHOLIC BEVERAGES IN SEALED CONTAINERS AT PRICES THAT IT DETERMINES AND THAT ARE UNIFORM IN ALL DISPENSARIES;**
- (4) REFUSE TO SELL ALCOHOLIC BEVERAGES TO A PERSON THAT, IN THE JUDGMENT OF THE LIQUOR CONTROL BOARD, IS NOT SUITABLE TO PURCHASE OR CONSUME THE ALCOHOLIC BEVERAGES;**
- (5) RESTRICT BY ANY METHOD THE QUANTITY OF ALCOHOLIC BEVERAGES THAT MAY BE SOLD TO AN INDIVIDUAL CONSUMER OR LICENSE HOLDER AT OR DURING ANY TIME;**
- (6) ENTER INTO A CONTRACT OR ADOPT REGULATIONS NECESSARY OR DESIRABLE TO CARRY OUT THIS ARTICLE;**
- (7) SELL AND SHIP OUTSIDE THE COUNTY A CONTAINER OR PACKAGE OF ALCOHOLIC BEVERAGES KEPT FOR SALE IN A DISPENSARY, IF NOT PROHIBITED BY LAW IN THE PLACE WHERE THE SHIPMENT IS CONSIGNED;**
- (8) SUBJECT TO THE APPROVAL OF THE COUNTY, RENT, LEASE, OR PURCHASE PREMISES NECESSARY FOR THE OPERATION OF THE DISPENSARIES; AND**
- (9) ESTABLISH THE HOURS OF SALE FOR DISPENSARIES, OUTSIDE OF WHICH A DISPENSARY MAY NOT REMAIN OPEN.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–205(b), (c), (d), (f), (g), (h), and (e)(1).

In the introductory language of this section, the reference stating that the Liquor Control Board “may” perform certain functions is substituted for the former reference stating that the liquor control board “shall have full power and authority” to perform these functions for clarity and brevity.

Also in the introductory language of this section, the former reference to the liquor control board “of each county” is deleted as unnecessary, since this section applies only to the Liquor Control Board for Wicomico County.

In item (1) of this section, the former reference to authorizing the purchase of “any sparkling or fortified wine” is deleted as included in the reference authorizing the purchase of “alcoholic beverages”.

In item (2)(i) of this section, the reference to the resale of alcoholic beverages “that the Liquor Control Board is authorized to sell” is added to state expressly what was only implied in the former law.

Also in item (2)(i) of this section, the former reference to the sale of alcoholic beverages “as hereinafter provided” is deleted as surplusage. Similarly, in item (3) of this section, the former reference to the sale of alcoholic beverages “as above provided” is deleted.

In item (3) of this section, the reference to the defined term “dispensaries” is substituted for the former reference to “stores” in the county for consistency within this subtitle.

Also in item (3) of this section, the former phrase “in the said county” is deleted as included in the defined term “dispensar[ies]”.

In item (5) of this section, the reference to restricting the sale of alcoholic beverages “during” any time is substituted for the former reference to any “given ... period” for brevity.

Also in item (5) of this section, the former reference to the authority of the Liquor Control Board to “limit” the sale of alcoholic beverages is deleted as included in the reference to the authority of the Liquor Control Board to “restrict” the sale of alcoholic beverages.

Also item (5) of this section, the former reference to a “system” of restricting the sale of alcoholic beverages is deleted as included in the reference to a “method” of restricting the sale of alcoholic beverages.

Also in item (5) of this section, the former reference to a method of restricting the sale of alcoholic beverages “as may be prescribed by the liquor control board” is deleted as implicit in the authority of the Liquor Control Board to restrict alcoholic beverages sales.

In item (6) of this section, the references to the authority of the Liquor Control Board to “enter” a contract or “adopt” a regulation are substituted for the former reference to the authority of the Liquor Control Board to “make” a contract or regulation for clarity and to conform to the terminology used elsewhere in the revised Code. *See, e.g.*, EC §§ 3–303 and 10–209(a)(5) and HS § 4–606.

Also in item (6) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

Also in item (6) of this section, the former reference to “the powers conferred upon [the Liquor Control Board] by” this article is deleted as unnecessary.

In item (7) of this section, the former reference to a prohibited act “applicable” by law in a specified place is deleted as unnecessary.

In item (9) of this section, the reference authorizing a liquor control board to “establish” hours of sale for county dispensaries is substituted for the former reference authorizing a liquor control board to “fix” hours of sale for county dispensaries for clarity.

Also in item (9) of this section, the reference to hours “of sale” is substituted for the former reference to hours “for opening and closing” for clarity.

Also in item (9) of this section, the former reference prohibiting the sale of alcoholic beverages at specific times is deleted as implicit in the establishment of hours of sale.

Defined terms: “Alcoholic beverage” § 1–101

“Consumer” § 1–101

“County” § 32–101

“Dispensary” § 32–301

“License holder” § 1–101

“Liquor Control Board” § 32–301

“Manufacturer’s license” § 1–101

“Person” § 1–101

“Wholesaler’s license” § 1–101

### **32–309. DISPENSARIES.**

#### **(A) ESTABLISHED.**

**THE LIQUOR CONTROL BOARD MAY ESTABLISH AND MAINTAIN STORES KNOWN AS “DISPENSARIES”.**

#### **(B) AUTHORITY.**

##### **A DISPENSARY:**

**(1) MAY SELL SPARKLING OR FORTIFIED WINE OR OTHER ALCOHOLIC BEVERAGES CONTAINING MORE THAN 14% ALCOHOL BY VOLUME; AND**

**(2) SHALL SELL THE ALCOHOLIC BEVERAGES IN SEALED PACKAGES OR CONTAINERS.**

#### **(C) AUTHORIZED SALE ITEMS.**

**A DISPENSARY MAY SELL CHILLED AND NONCHILLED BEER, WINE, LIQUOR, ICE, OR BOTTLED WATER.**

#### **(D) MONOPOLY SALES.**

**ALL ALCOHOLIC BEVERAGES OTHER THAN BEER AND WINE SHALL BE PURCHASED FROM THE LIQUOR CONTROL BOARD.**

**(E) SALE OF LIQUOR TO LICENSE HOLDERS.**

**A DISPENSARY SHALL SELL LIQUOR AT WHOLESALE TO A BEER, WINE, AND LIQUOR LICENSE HOLDER:**

**(1) FOR A CLASS A, B, OR C LICENSE, AT A MARKUP NOT EXCEEDING 15% ABOVE THE OPERATING COST TO THE DISPENSARY; OR**

**(2) FOR A CLASS D LICENSE, AT A MARKUP NOT EXCEEDING 15% ABOVE THE WHOLESALE COST TO THE DISPENSARY.**

**(F) WINE TASTING AND SAMPLING.**

**(1) THE LIQUOR CONTROL BOARD MAY HOLD WINE TASTING AND SAMPLING PROMOTIONAL EVENTS IN DISPENSARIES IN ACCORDANCE WITH THIS SUBSECTION.**

**(2) THE LIQUOR CONTROL BOARD:**

**(I) MAY NOT SERVE TO AN INDIVIDUAL MORE THAN 1 OUNCE FROM EACH BRAND AT AN EVENT;**

**(II) MAY NOT ALLOW MORE THAN SIX WINE BOTTLES TO BE OPEN AT ANY ONE TIME AT AN EVENT;**

**(III) MAY NOT CONDUCT EVENTS IN THE COUNTY ON MORE THAN 10 DAYS IN ANY 12-MONTH PERIOD;**

**(IV) SHALL MARK EACH WINE BOTTLE USED FOR AN EVENT, ONCE OPENED, THAT IT IS TO BE USED ONLY FOR TASTING OR SAMPLING;**

**(V) MAY NOT MIX THE CONTENTS OF A WINE BOTTLE WITH THE CONTENTS OF ANOTHER WINE BOTTLE;**

**(VI) SHALL DESTROY ALL EMPTY WINE BOTTLES;**

**(VII) SHALL ALLOW ON-PREMISES CONSUMPTION AT AN EVENT;**

**AND**

**(VIII) MAY NOT CONDUCT WINE TASTING AND SAMPLING USING A DRIVE-THROUGH WINDOW.**

**(G) PROHIBITED ACTS.**

**A PERSON MAY NOT OPEN OR CONSUME THE CONTENTS OF A SEALED CONTAINER OR PACKAGE ON THE PREMISES OF THE DISPENSARY WHERE SOLD.**

**(H) ISSUANCE OR DENIAL OF LICENSE PROVISIONS NOT APPLICABLE.**

**TITLE 4, SUBTITLE 2 OF THIS ARTICLE DOES NOT APPLY TO THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6-401(x)(2)(vii) and (3)(vi), 9-102(e), 15-203(a)(1) and (e-1), 15-204(d), and 15-205(m).

In subsection (f)(2)(iv), (v), and (vi) of this section, the references to a "wine" bottle are added for clarity.

In subsection (f)(2)(iv) of this section, the reference to "tasting or sampling" is substituted for the former reference to "that purpose" for clarity.

In subsection (g) of this section, the phrase "of the dispensary" is added for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"County" § 32-101

"Dispensary" § 32-301

"License" § 1-101

"Liquor Control Board" § 32-301

"Person" § 1-101

"Wine" § 1-101

**32-310. DISTRIBUTION OF PROCEEDS.**

**(A) DEBT REPAYMENT.**

**THE LIQUOR CONTROL BOARD SHALL APPLY PROCEEDS DERIVED FROM THE OPERATION OF DISPENSARIES FIRST TOWARD THE REPAYMENT OF MONEY LOANED TO OR BORROWED BY THE LIQUOR CONTROL BOARD.**

**(B) RESERVE FUND.**

**AFTER REPAYMENT UNDER SUBSECTION (A) OF THIS SECTION, THE LIQUOR CONTROL BOARD, SUBJECT TO THE APPROVAL OF THE COUNTY COUNCIL, MAY CREATE AND MAINTAIN A RESERVE FUND TO:**

- (1) PROVIDE ADEQUATE WORKING CAPITAL; AND**
- (2) COVER ANY LOSSES SUSTAINED BY THE LIQUOR CONTROL BOARD IN OPERATING THE DISPENSARIES.**
- (C) PAYMENT TO COUNTY.**

**THE LIQUOR CONTROL BOARD SHALL PAY ANY REMAINING NET PROCEEDS TO THE COUNTY ON JANUARY 1, APRIL 1, AUGUST 1, AND OCTOBER 1 OF EACH YEAR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-207(g)(2), (3), and (4).

In subsection (a) of this section, the reference to “proceeds” is substituted for the former reference to “net profits” to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to proceeds “derived” from sales is substituted for the former reference to proceeds “arising” from sales for clarity and consistency with other similar provisions relating to dispensaries.

Also in subsection (a) of this section, the reference to the repayment of “money” advanced or borrowed is substituted for the former reference to repayment of “sums” advanced or borrowed for clarity.

Former Art. 2B, § 15-207(g)(1), which stated that former Art. 2B, § 15-207(g) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 32-101  
“Dispensary” § 32-301  
“Liquor Control Board” § 32-301

### **32-311. REPORTS.**

- (A) MONTHLY SUBMISSION.**
  - (1) THE LIQUOR CONTROL BOARD SHALL:**



**(I) KEEP ACCURATE RECORDS OF:**

1. ALL PURCHASES OF ALCOHOLIC BEVERAGES; AND
2. A COMPLETE STATEMENT OF THE BUSINESS CONDUCTED BY THE LIQUOR CONTROL BOARD AND THE OPERATIONAL ACHIEVEMENTS OF THE DISPENSARY SYSTEM; AND

**(II) SUBMIT ANNUAL AND MONTHLY REPORTS TO THE COUNTY COUNCIL.**

**(2) THE RECORDS SHALL BE OPEN TO INSPECTION BY THE COMPTROLLER DURING REGULAR BUSINESS HOURS.**

**(B) ANNUAL REPORT.**

**THE LIQUOR CONTROL BOARD SHALL PUBLISH AN ANNUAL REPORT SUBMITTED TO THE COUNTY ON JUNE 30 OF EACH YEAR IN A NEWSPAPER OF FREQUENT AND GENERAL CIRCULATION THAT IS PUBLISHED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–206(a) and (c).

In subsection (b) of this section, the reference requiring the Liquor Control Board to “publish” a specific report in a newspaper is substituted for the former reference that the report be “printed” in a newspaper for clarity and consistency with similar provisions of the Code. *See, e.g.*, HS §§ 4–213(d)(4) and 4–230(b).

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“County” § 32–101

“Dispensary” § 32–301

“Liquor Control Board” § 32–301

**32–312. STALE MALT BEVERAGES.****(A) AGREEMENT TO REPLACE MALT BEVERAGES AUTHORIZED.**

**A SUPPLIER MAY ENTER INTO AN AGREEMENT WITH A WHOLESALER OR AUTHORIZED REPRESENTATIVE OF A WHOLESALER TO REPLACE, DIRECTLY OR INDIRECTLY, STALE OR OUT-OF-DATE MALT BEVERAGE PRODUCTS ON RETAIL LICENSED PREMISES:**

- (1) ON A CASE FOR CASE BASIS;
- (2) AT THE SUPPLIER'S EXPENSE; AND
- (3) UNDER A PLAN THAT THE COMPTROLLER APPROVES.

**(B) UNILATERAL REPLACEMENT PLAN.**

**(1) IF A WHOLESALER REFUSES TO REPLACE STALE OR OUT-OF-DATE MALT BEVERAGE PRODUCTS ON RETAIL LICENSED PREMISES UNDER THE PLAN DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION, THE SUPPLIER MAY UNILATERALLY SUBMIT A REPLACEMENT PLAN TO THE COMPTROLLER FOR APPROVAL.**

**(2) THE REPLACEMENT PLAN THAT THE SUPPLIER UNILATERALLY SUBMITS TO THE COMPTROLLER MAY INCLUDE THE DESIGNATION OF AN AUTHORIZED REPRESENTATIVE OR WHOLESALER OUTSIDE THE TERRITORY OF THE WHOLESALER WHO REFUSES TO PARTICIPATE IN THE PLAN.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-102(c)(2) through (4).

In the introductory language of subsection (a) and in subsection (b)(2) of this section, the former phrase “[n]otwithstanding any other provision of this section” is deleted as unnecessary in light of the organization of this revised article.

In subsection (a)(3) of this section, the former reference to a plan “submitted to” the Comptroller is deleted as included in the reference to a plan that the Comptroller “approves”.

Former Art. 2B, § 12-102(c)(1), which stated that former Art. 2B, § 12-102(c) applied “only to those counties whose liquor control boards establish and maintain county liquor dispensaries” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Comptroller” § 1-101  
“Wholesaler” § 1-101

**SUBTITLE 4. MANUFACTURER'S LICENSES.**

**32-401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);
- (7) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);
- (8) § 2–211 (“RESIDENCY REQUIREMENT”);
- (9) § 2–212 (“ADDITIONAL LICENSES”);
- (10) § 2–213 (“ADDITIONAL FEES”);
- (11) § 2–214 (“SALE OR DELIVERY RESTRICTED”);
- (12) § 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (13) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (14) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (15) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTION.

SECTION 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”), SUBJECT TO § 32–403 OF THIS SUBTITLE; AND**

**(2) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”), SUBJECT TO § 32–404 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Defined terms: “County” § 32–101  
“Manufacturer’s license” § 1–101

**32–402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(b)(15).

Defined terms: “Alcoholic beverage” § 1–101  
“Manufacturer’s license” § 1–101

**32–403. CLASS 6 PUB–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE COUNTY.**

**(B) REQUIRED NOTICE.**

**BEFORE THE COMPTROLLER MAY ISSUE A CLASS 6 PUB-BREWERY LICENSE IN THE COUNTY, THE COMPTROLLER SHALL FORWARD A COPY OF THE APPLICATION TO THE BOARD.**

**(C) REVIEW.**

**THE BOARD SHALL:**

- (1) REVIEW THE APPLICATION;**
- (2) HOLD A PUBLIC HEARING ON THE APPLICATION; AND**
- (3) RECOMMEND TO THE COMPTROLLER WHETHER OR NOT TO ISSUE THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-207(i)(2), and, as it related to the availability of a Class 6 pub-brewery license in Wicomico County, the introductory language of (a)(4).

In subsection (b) of this section, the former reference to the "Office of the" Comptroller "of this State" is deleted as unnecessary. Correspondingly, in subsection (c) of this section, the reference to the "Comptroller" is substituted for the former reference to the "Office".

Former Art. 2B, § 2-207(i)(1), which provided that former Art. 2B, § 2-207(i) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 32-101

"Comptroller" § 1-101

"County" § 32-101

"License" § 1-101

**32-404. CLASS 7 MICRO-BREWERY LICENSE.**

**A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE MAY NOT COLLECTIVELY BREW, BOTTLE, OR CONTRACT FOR MORE THAN 45,000 BARRELS OF MALT BEVERAGES EACH CALENDAR YEAR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-208(b)(2)(xxiii) and (c)(1)(i)5B.

**32-405. ADDITIONAL PUB-BREWERY OR MICRO-BREWERY LICENSE.**

**(A) IN ENTERPRISE ZONE.**

**THE COMPTROLLER MAY ISSUE ONE CLASS 6 PUB-BREWERY LICENSE OR ONE CLASS 7 MICRO-BREWERY LICENSE, BUT NOT BOTH, FOR A LOCATION IN AN ENTERPRISE ZONE, TO A PERSON THAT HOLDS NOT MORE THAN FIVE CLASS B BEER, WINE, AND LIQUOR LICENSES.**

**(B) CLASS A LICENSE HOLDERS.**

**A HOLDER OF A CLASS A LICENSE MAY ALSO HOLD A CLASS 7 MICRO-BREWERY LICENSE AND NOT MORE THAN FIVE CLASS B BEER, WINE, AND LIQUOR LICENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-104(e)(5)(ii), (iii), and (iv).

In subsection (b) of this section, the former phrase “[n]otwithstanding subsection (b)(1) of this section” is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 12-104(e)(5)(i), which stated that former Art. 2B, § 12-104(e)(5) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

**SUBTITLE 5. WHOLESALER'S LICENSES.**

**32-501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER'S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);**
- (2) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER'S LICENSE”);**
- (3) § 2-305 (“CLASS 4 BEER WHOLESALER'S LICENSE”);**
- (4) § 2-306 (“CLASS 5 WINE WHOLESALER'S LICENSE”);**
- (5) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER'S LICENSE”);**

- (6) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);
- (7) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);
- (8) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (9) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- (10) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (11) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (12) § 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (13) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);
- (14) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (15) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

**(B) VARIATIONS.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY, SUBJECT TO § 32-504 OF THIS SUBTITLE:

- (1) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”); AND
- (2) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”).

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 32-101  
“Wholesaler’s license” § 1-101

**32-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 32-503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(a).

Defined terms: "Alcoholic beverage" § 1-101

"Wholesaler's license" § 1-101

**32-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

**(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

**A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.**

**(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

**THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a "per diem" license is substituted for the former reference to a "special 1-day" license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued "under Subtitle 13 of this title" is substituted for the former reference to a license issued "pursuant to § 7-101 of this article" to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the "effective date of the per diem license" is substituted for the former reference to delivery on the "effective day of the license" for clarity.



Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101  
 “Wholesaler’s license” § 1–101

### **32–504. RESTRICTION ON SALES.**

**A HOLDER OF A CLASS 1 BEER, WINE, AND LIQUOR OR CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE MAY NOT SELL OR DELIVER LIQUOR IN THE COUNTY FOR RESALE EXCEPT TO A COUNTY DISPENSARY.**

REVISOR’S NOTE: This section is new language added to incorporate the restrictions in Subtitle 3 of this title regarding the sale of alcoholic beverages by wholesalers in Wicomico County.

Defined terms: “County” § 32–101  
 “Wholesaler’s license” § 1–101

## **SUBTITLE 6. BEER LICENSES.**

### **32–601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A PREMISES HAVING A DIRECT OR INDIRECT CONNECTION WITH A DRUG OR PHARMACEUTICAL BUSINESS OR OTHER BUSINESS ESTABLISHMENT OF A TYPE COMMONLY KNOWN AS A DRUGSTORE.**

**(3) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

(4) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.

(C) FEES.

THE ANNUAL LICENSE FEES ARE:

- (1) \$175 FOR A 6-DAY LICENSE; AND
- (2) \$275 FOR A 7-DAY LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(a)(1) and (x)(2) through (4).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “[a] license may not be issued” is substituted for the former phrase “[a] person may not hold a license” to conform to other similar provisions of this article.

Also in subsection (b)(2) of this section, the former phrase “referred to as” is deleted as surplusage.

In subsection (b)(3) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Former Art. 2B, § 3-101(x)(1), which stated that former Art. 2B, § 3-101(x) applied in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“Consumer” § 1-101

“7-day license” § 1-101

“6-day license” § 1-101

**32-602. CLASS B BEER LICENSE.**

(A) ESTABLISHED.

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) (I) A LICENSE MAY BE ISSUED ONLY FOR A HOTEL OR RESTAURANT WHOSE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FOR EACH MONTH EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(II) IN CALCULATING AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK MAY NOT BE INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$275.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(x) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Hotel" § 1-101

"Restaurant" § 1-101

**32-603. CLASS C BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$75.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(x) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1-101  
“Club” § 1-101

**32-604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$275.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(x) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined term: "Beer" § 1-101

**SUBTITLE 7. WINE LICENSES.****32-701. CLASS A WINE LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(20), (b)(1), (c)(1), and (d)(1).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 32–101

“Wine” § 1–101

## **SUBTITLE 8. BEER AND WINE LICENSES.**

### **32–801. CLASS A BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

#### **THERE IS:**

**(1) A CLASS A BEER AND WINE 6–DAY LICENSE; AND**

**(2) A CLASS A BEER AND WINE 7–DAY LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) DRUGSTORE PROHIBITION.**

**A PERSON MAY NOT HOLD THE LICENSE FOR USE BY AN ESTABLISHMENT WITH A DIRECT OR INDIRECT CONNECTION WITH A DRUGSTORE.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$275 FOR A 6-DAY LICENSE; AND**

**(2) \$350 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-101(a)(1) and (x)(2) through (4).

In this section and throughout this subtitle, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being "issued by the license issuing authority of the county in which the place of business is located" are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to "keep[ing] for sale" are deleted as implicit in the references to "sell[ing]".

In subsection (b)(1) of this section, the former reference to selling beer and wine "in any quantity to any consumers" is deleted as surplusage.

In subsection (b)(2) of this section, the word "sell" is substituted for the former word "deliver" to conform to the terminology used throughout this article.

In subsection (c) of this section, the reference to “a drugstore” is substituted for the former reference to “any drug or pharmaceutical, or other business establishments of a type commonly known as or referred to as drugstore” for brevity.

Former Art. 2B, § 5–101(x)(1), which stated that former Art. 2B, § 5–101(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Person” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

### **32–802. CLASS B BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) (i) SUBJECT TO SUBPARAGRAPH (ii) OF THIS PARAGRAPH, THE LICENSE MAY BE ISSUED FOR USE BY A HOTEL OR RESTAURANT IF, FOR EACH MONTH, THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(ii) FOODSTUFF IN A MIXED DRINK MAY NOT BE CONSIDERED AS FOOD WHEN CALCULATING AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$400.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(x) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.



In subsection (b)(2) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1-101

“Hotel” § 1-101

“Restaurant” § 1-101

“Wine” § 1-101

### **32-803. CLASS C BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$125.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(x) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1-101

“Club” § 1-101

“Wine” § 1-101

### **32-804. CLASS D BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS:**

- (1) A CLASS D BEER AND WINE 6-DAY LICENSE; AND
- (2) A CLASS D BEER AND WINE 7-DAY LICENSE.

**(B) SCOPE OF AUTHORIZATION.**

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.

**(C) DRUGSTORE PROHIBITION.**

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

**(D) FEES.**

THE ANNUAL LICENSE FEES ARE:

- (1) \$275 FOR A 6-DAY LICENSE; AND
- (2) \$400 FOR A 7-DAY LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(a)(1) and (x)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Former Art. 2B, § 5-401(x)(1), which stated that former Art. 2B, § 5-401(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 5-401(x)(4), which stated that the days and times for sales of beer and light wine under each license are as provided under former Art. 2B, § 11-523(c)(3) through (8) of this article, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101  
"7-day license" § 1-101

“6-day license” § 1-101

“Wine” § 1-101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**32-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) A LICENSE MAY BE ISSUED ONLY TO AN ESTABLISHMENT THAT HAS BEEN:**

**(I) ISSUED A CLASS B LICENSE; AND**

**(II) CONTINUALLY OPERATING AS A RESTAURANT IN THE COUNTY SINCE AT LEAST 3 MONTHS BEFORE THE APPLICATION FOR THE LICENSE.**

**(2) THE BOARD MAY NOT ISSUE A LICENSE TO AN ESTABLISHMENT THAT IS A CORPORATION OR LIMITED LIABILITY COMPANY UNLESS THE LICENSE APPLICANT OWNS 75% OF THE TOTAL ISSUED CAPITAL STOCK OF THE CORPORATION OR THE LIMITED LIABILITY COMPANY.**

**(3) THE BOARD MAY ISSUE NOT MORE THAN THREE LICENSES IN THE COUNTY.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR, AT RETAIL AT THE PLACE DESCRIBED IN THE APPLICATION, FOR OFF-PREMISES CONSUMPTION.**

**(2) THE PLACE DESCRIBED IN THE APPLICATION:**

**(I) MAY NOT EXCEED 20% OF THE AREA NORMALLY USED IN THE OPERATION OF THE RESTAURANT BUSINESS; AND**

**(II) SHALL BE CONTIGUOUS TO AND ADJOIN THE RESTAURANT ESTABLISHMENT.**

**(D) DRUGSTORE PROHIBITION; EXCEPTION.**

**THE LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(E) LIQUOR PURCHASES FROM COUNTY DISPENSARY.**

**(1) THE LICENSE HOLDER SHALL PURCHASE LIQUOR FOR RETAIL SALE FROM A COUNTY DISPENSARY.**

**(2) THE LICENSE HOLDER SHALL BE CHARGED NOT MORE THAN 15% ABOVE THE WHOLESALE OPERATING COST TO THE DISPENSARY.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$4,400 AND IS IN ADDITION TO THE FEE PAID FOR THE CLASS B LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–101(a)(1) and (3) and (x)(2) through (6) and 9–101(h).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1)(ii) of this section, the reference to “since at least” 3 months is substituted for the former reference to “for” 3 months for clarity.

In subsection (b)(3) of this section, the reference to the maximum number of licenses “in the County” is added for clarity.

In subsection (c)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

In subsection (d)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (d)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

In subsection (e)(1) of this section, the phrase “for retail sale” is added for clarity.

Also in subsection (e)(1) of this section, the requirement that the “license holder shall purchase liquor” from a County dispensary is substituted for the former language stating that “[a]ll alcoholic beverages other than beer and light wine shall be purchased from the Liquor Control Board” to clarify what particular alcoholic beverage the license holder is required to purchase from the Liquor Control Board.

Also in subsection (e)(1) of this section, the reference to a “County dispensary” is substituted for the former reference to the “Liquor Control Board for Wicomico County” to conform to the terminology used in subsection (e)(2) of this section and § 29–902(e) of this subtitle.

Former Art. 2B, § 6–101(x)(1), which stated that former Art. 2B, § 6–101(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 32–101

“County” § 32–101

“Restaurant” § 1–101

“Wine” § 1–101

### **32–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

##### **(1) A HOTEL THAT HAS:**

- (I) AT LEAST 25 ROOMS;
- (II) A LOBBY WITH REGISTRATION, MAIL DESK, AND SEATING FACILITIES; AND
- (III) A DINING ROOM THAT SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY; OR

(2) (I) A RESTAURANT THAT:

1. HAS A PROPER AND ADEQUATE DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;

2. NOT COUNTING SEATING AT A BAR OR COUNTER, HAS TABLE SEATING FOR AT LEAST 40 INDIVIDUALS; AND

3. HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, NOT COUNTING FOODSTUFF CONTAINED IN A MIXED DRINK, THAT EACH MONTH EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

(II) THE SEATING REQUIREMENT IN ITEM (I)1 OF THIS ITEM DOES NOT APPLY TO A CLASS B BEER, WINE, AND LIQUOR LICENSE HOLDER WHO HELD THE LICENSE ON JULY 1, 1978.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.

(D) LOUNGE AREA RESTRICTIONS.

(1) IN THIS SUBSECTION, “LOUNGE AREA” MEANS AN AREA THAT INCLUDES:

(I) A BAR WHERE ALCOHOLIC BEVERAGES ARE SERVED; AND

(II) AN ENTERTAINMENT FACILITY IN THE SAME AREA AS THE BAR.

(2) THE LICENSE HOLDER MAY:

(I) PROHIBIT AN INDIVIDUAL UNDER THE LEGAL DRINKING AGE FROM ENTERING THE LOUNGE AREA AFTER 9 P.M. UNLESS THE INDIVIDUAL IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN WHO IS OF THE LEGAL DRINKING AGE; AND

(II) CHARGE AN ENTERTAINMENT FEE FOR EACH INDIVIDUAL WHO IS PRESENT WHILE LIVE ENTERTAINMENT IS IN PROGRESS IN THE LOUNGE AREA.

(E) PURCHASE OF LIQUOR FROM COUNTY DISPENSARY.

(1) THE LICENSE HOLDER SHALL PURCHASE LIQUOR FOR RETAIL SALE FROM A COUNTY DISPENSARY.

(2) THE LICENSE HOLDER SHALL BE CHARGED NOT MORE THAN 15% ABOVE THE WHOLESALE OPERATING COST TO THE COUNTY DISPENSARY.

(F) FEES.

THE ANNUAL LICENSE FEES ARE:

(1) \$1,980 FOR A HOTEL; AND

(2) \$1,320 FOR A RESTAURANT.

(G) WINE PERMIT.

(1) THE BOARD MAY ISSUE A WINE PERMIT TO A HOLDER OF THE LICENSE FOR USE BY A RESTAURANT THAT:

(I) AT LEAST 5 DAYS PER WEEK, OFFERS FOR SALE AND DESCRIBES IN A PRINTED MENU:

1. BREAKFAST AND LUNCH;
2. BREAKFAST AND DINNER; OR
3. LUNCH AND DINNER; AND

(II) HAS AN AREA USED FOR THE PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES THAT IS AT LEAST 80% OF THE AREA OF THE PREMISES.

**(2) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS SHALL BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER § 32-901(C)(2)(I)3 OF THIS SUBTITLE.**

**(3) THE WINE PERMIT AUTHORIZES THE LICENSE HOLDER TO SELL, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE:**

**(I) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND**

**(II) WINE FOR OFF-PREMISES CONSUMPTION.**

**(4) THE TERM OF THE WINE PERMIT IS THE SAME AS THE TERM OF THE CLASS B LICENSE.**

**(5) IF THE PREMISES IS OPEN FOR BUSINESS AS A RESTAURANT, THE HOURS AND DAYS OF SALE FOR THE WINE PERMIT ARE:**

**(I) 10 A.M. TO MIDNIGHT, MONDAY THROUGH SATURDAY; AND**

**(II) 12:30 P.M. TO MIDNIGHT ON SUNDAY.**

**(6) WINE SOLD UNDER THE WINE PERMIT MAY NOT HAVE AN ALCOHOL CONTENT GREATER THAN 15.5%.**

**(7) AN APPLICANT FOR THE WINE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(8) ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS FOR THE WINE PERMIT ARE THE SAME AS THOSE FOR CLASS B LICENSES.**

**(9) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING A LIMIT ON THE NUMBER OF WINE PERMITS TO BE GRANTED.**

**(10) THE ANNUAL PERMIT FEE IS \$1,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(a)(1) and (x)(2) and (4).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.



In subsection (b)(1) of this section, the former reference to “an establishment for the accommodation of the public providing services ordinarily found in hotels” is deleted in light of the defined term “hotel”.

Also in subsection (b)(1) of this section, the former reference to a “bona fide” hotel is deleted as vague.

In subsection (b)(2)(i)2 of this section, the former reference to patrons “seated comfortably and adequately” is deleted as surplusage.

Also in subsection (b)(2)(i)2 of this section, the former requirement that a restaurant “meet the minimum requirements of the fire code applicable to the jurisdiction where the restaurant is located” is deleted as an unnecessary statement of common practice.

In subsection (b)(2)(i)3 of this section, the phrase “not counting foodstuff contained in a mixed drink” is substituted for the former phrase “[i]n calculating average daily receipts from the sale of food, an allocation of foodstuff contained in any mixed drink”.

In subsection (b)(2)(ii) of this section, the word “apply” is substituted for the former word “affect” for clarity.

In subsection (c) of this section, the reference to the place described “in the license” is added for clarity.

Also in subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the reference to “on-premises consumption” is substituted for the former language providing that a hotel license “does not permit sales for consumption off the premises” and that the license “requires the sale of alcoholic beverages for consumption only on the inside of the restaurant premises” for brevity.

Also in subsection (c) of this section, the former phrase “to keep for sale” is deleted as included in the phrase “to sell”.

Also in subsection (c) of this section, the former prohibition against a person entering or leaving the premises while in possession of any alcoholic beverages is deleted as possibly misleading in light of provisions in this article that allow, under certain circumstances, patrons to bring their own bottles of wine to a restaurant and leaving with bottles of wine whose contents are only partially consumed.

In the introductory language of subsection (d)(1) of this section, the former reference to a “room” is deleted as redundant in light of the reference to an “area”.

In subsection (d)(2)(i) of this section, the former reference to the legal drinking age “in the State” is deleted as surplusage.

In subsection (e)(1) of this section, the phrase “for retail sale” is added for clarity.

In subsection (g) of this section, the references to a “wine permit” are substituted for the former reference to a “Class B special wine (B–SWL) (off–sale) license” to conform to terminology used throughout this article, which classifies as a permit an authorization that does not stand alone but may be granted only if another authorization has already been issued. In this case, a wine permit may be granted only if a Class B beer, wine, and liquor license has been issued.

In subsection (g)(1)(i) of this section, the former reference to “meals” is deleted as unnecessary in light of the references to “breakfast and lunch”, “breakfast and dinner”, and “lunch and dinner”.

In subsection (g)(1)(ii) of this section, the former reference to “total square foot” area is deleted as surplusage.

In the introductory language of subsection (g)(3) of this section, the phrase “at retail, at the place described in the license” is added to conform to the terminology used throughout this article.

In subsection (g)(4) of this section, the language stating that “[t]he term of the wine permit is the same as the term of the Class B license” is substituted for the former reference to a permit “under this paragraph that is issued to a successful applicant shall be the same as that of the Class B beer, wine and liquor license held by the applicant” for brevity.

Former Art. 2B, § 6–201(x)(1), which stated that former Art. 2B, § 6–201(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 32–101

“County” § 32–101

“Hotel” § 1–101

“Off–sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**32-903. CLASS C BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.****THERE IS:**

- (1) A 6-DAY CLASS C BEER, WINE, AND LIQUOR LICENSE; AND**
- (2) A 7-DAY CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT FRATERNAL, SOCIAL, OR VETERANS' CLUB THAT:**

**(1) HAS BEEN INCORPORATED FOR AT LEAST 5 YEARS IMMEDIATELY BEFORE THE APPLICATION FOR THE LICENSE IS MADE;**

**(2) IS IN A CLUBHOUSE OR PREMISES THAT IS USED PRINCIPALLY FOR CLUB PURPOSES;**

**(3) DURING THE YEAR IMMEDIATELY BEFORE THE FILING OF THE APPLICATION:**

**(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, HAS AT LEAST 100 DUES-PAYING MEMBERS; OR**

**(II) IF THE CLUB IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES, HAS AT LEAST 50 DUES-PAYING MEMBERS; AND**

**(4) HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE PREMISES TO MEMBERS AND GUESTS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) PURCHASE OF ALCOHOLIC BEVERAGES.**

**(1) A LICENSE HOLDER SHALL PURCHASE ALCOHOLIC BEVERAGES FOR RETAIL SALE, EXCEPT BEER AND WINE, FROM THE LIQUOR CONTROL BOARD.**

**(2) A LICENSE HOLDER MAY PURCHASE A BOTTLE FROM THE LIQUOR CONTROL BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT IS STAMPED OR OTHERWISE DESIGNATED “ON-SALE ONLY” BY THE LIQUOR CONTROL BOARD.**

**(E) FEES.**

**(1) THE ANNUAL LICENSE FEES FOR A 6-DAY LICENSE, DEPENDING ON THE SIZE OF THE DUES-PAYING MEMBERSHIP OF THE CLUB, ARE:**

**(I) \$275, FOR A MEMBERSHIP OF 50 TO 399;**

**(II) \$550, FOR A MEMBERSHIP OF 400 TO 599; AND**

**(III) \$825, FOR A MEMBERSHIP OF AT LEAST 600.**

**(2) THE ANNUAL LICENSE FEES FOR A 7-DAY LICENSE, DEPENDING ON THE SIZE OF THE DUES-PAYING MEMBERSHIP OF THE CLUB, ARE:**

**(I) \$400, FOR A MEMBERSHIP OF 50 TO 399;**

**(II) \$675, FOR A MEMBERSHIP OF 400 TO 599; AND**

**(III) \$950, FOR A MEMBERSHIP OF AT LEAST 600.**

**(3) A LICENSE FEE SHALL BE ESTABLISHED ON THE MAXIMUM NUMBER OF DUES-PAYING MEMBERS DURING THE CALENDAR YEAR IMMEDIATELY BEFORE THE FILING OF THE APPLICATION FOR THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(x)(2) through (4) and the first sentence of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In the introductory language of subsection (b) of this section, the former reference to a “bona fide” club is deleted as surplusage. Similarly, in subsections (b)(3)(i) and the introductory language of (e)(1) and (2) of this section, the former references to “bona fide” members are deleted.

In subsection (b)(1) of this section, the reference to the application “for the license” is added for clarity.

In subsection (b)(2) of this section, the former requirement that the club be “neither directly nor indirectly operated as a public business” is deleted as unnecessary because the organization or club is nonprofit.

In subsection (b)(3)(ii) of this section, the former statement that 50 members “is sufficient” is deleted as surplusage.

In subsection (c) of this section, the phrase “at a club at the place described in the license,” is added for consistency with other similar provisions regarding clubs in this article.

In subsection (d)(1) of this section, the reference to alcoholic beverages “for retail sale” is substituted for the former reference to alcoholic beverages “sold” for clarity.

In subsection (d)(2) of this section, the reference to “[a] license holder” is added for clarity.

In subsection (e)(3) of this section, the reference to the “filing of the” application for a license is added for clarity.

Former Art. 2B, § 6–301(x)(1), which stated that former Art. 2B, § 6–301(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 32–101

“Club” § 1–101

“On–sale” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

### **32–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A TAVERN THAT, NOT INCLUDING THE DANCE FLOOR OR BAR AREA, HAS SEATING FOR AT LEAST 140 INDIVIDUALS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION 7 DAYS A WEEK.**

**(D) INDIVIDUALS UNDER LEGAL DRINKING AGE EXCLUDED.**

**AN INDIVIDUAL UNDER THE LEGAL DRINKING AGE MAY NOT ENTER THE LICENSED PREMISES.**

**(E) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(a)(1) and (x)(2)(i) through (vi).

In subsection (b) of this section, the phrase "seating for at least" 140 individuals is substituted for the former reference to "minimum seating capacity of" to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the reference to "individuals" is substituted for the former reference to "persons" because this subsection applies only to human beings.

Also in subsection (b) of this section, the former requirement that a tavern meet the minimum requirements of the fire code applicable to the jurisdiction in which the premises is located is deleted as an unnecessary statement of common practice.

In subsection (c) of this section, the reference to the place described in "the license" is substituted for the former reference to the place described in "it" for clarity.

In subsection (d) of this section, the former phrase "for the consumption of alcohol in the State" is deleted as surplusage.

Former Art. 2B, § 6–401(x)(1), which stated that former Art. 2B, § 6–401(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
“Board” § 32–101  
“Wine” § 1–101

## **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

### **32–1001. CONFERENCE CENTER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B–CONFERENCE CENTER LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A LICENSE FOR USE BY A CONFERENCE CENTER THAT HAS:**

- (1) A MINIMUM CAPACITY OF 500 INDIVIDUALS;**
- (2) A KITCHEN;**
- (3) DINING SPACE; AND**
- (4) MEETING SPACE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION TO INDIVIDUALS ATTENDING A CONFERENCE CENTER EVENT.**

#### **(D) EXISTING LICENSE MAY BE AMENDED.**

**AN EXISTING CLASS B LICENSE MAY BE AMENDED TO ONE FOR CONFERENCE CENTER USE.**

#### **(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 32–2005 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6–201(x)(3).

Subsection (e) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class B beer, wine, and liquor license in Wicomico County.

In the introductory language of subsection (b) of this section, the reference to “[t]he Board” is added to state expressly what was only implicit in the former law, that the Board is the license issuing authority.

Also in the introductory language of subsection (b) of this section, the former phrase “the following facilities” is deleted as redundant in light of the organization of this section.

In subsections (b) and (c) of this section, the references to “individuals” are substituted for the former, broader references to “persons” because this section refers only to human beings.

Defined terms: “Beer” § 1–101

“Board” § 32–101

“Wine” § 1–101

**32–1002. ENTERTAINMENT AND AMUSEMENT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR ENTERTAINMENT AND AMUSEMENT LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR AN ENTERTAINMENT AMUSEMENT CENTER THAT:**



(I) IS A BUSINESS ESTABLISHMENT THAT ACCOMMODATES THE PUBLIC;

(II) HAS A MINIMUM SEATING CAPACITY OF 140 INDIVIDUALS, NOT INCLUDING THE BAR AREA OR DANCING FLOOR AREA;

(III) MEETS THE MINIMUM REQUIREMENTS OF THE FIRE CODE APPLICABLE FOR THE JURISDICTION IN WHICH THE PREMISES IS LOCATED;

(IV) IS EQUIPPED WITH AN ADEQUATE DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;

(V) HAS AN INITIAL CAPITAL INVESTMENT OF AT LEAST \$300,000, EXCLUDING THE COST OF THE LAND AND BUILDING; AND

(VI) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, HAS MORE THAN 50% OF ITS FLOOR SPACE DEDICATED TO OR OCCUPIED BY EQUIPMENT FOR FOOSBALL, BILLIARDS, DARTS, VIRTUAL REALITY SIMULATION GAMES, AND OTHER GAMES THAT THE BOARD APPROVES THAT REQUIRE THE ACTIVE PHYSICAL PARTICIPATION OF ONE OR MORE PLAYERS.

(2) UNDER PARAGRAPH (1)(VI) OF THIS SUBSECTION:

(I) FLOOR SPACE MAY NOT BE DEDICATED TO OR OCCUPIED BY EQUIPMENT FOR KENO, A CARD GAME, A PINBALL MACHINE, OR A BAR GAME; AND

(II) THE FLOOR SPACE REQUIREMENT MAY NOT BE MET BY FLOOR SPACE OCCUPIED BY:

1. A JUKEBOX OR SIMILAR PASSIVE ENTERTAINMENT DEVICE; OR

2. THE KITCHEN.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR 7 DAYS A WEEK FOR ON-PREMISES CONSUMPTION.

(D) AGE REQUIREMENT FOR ENTRY.

AN INDIVIDUAL WHO IS:

**(1) UNDER THE AGE OF 21 YEARS MAY NOT ENTER OR REMAIN ON THE LICENSED PREMISES AFTER 9 P.M.; AND**

**(2) UNDER THE AGE OF 17 YEARS MAY NOT ENTER THE LICENSED PREMISES WITHOUT A PARENT OR GUARDIAN.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS D BEER, WINE, AND LIQUOR LICENSE UNDER § 32-2005 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$4,000.**

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6-401(x)(3)(i) through (v) and (vii).

Subsection (e) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class D beer, wine, and liquor license in Wicomico County.

In subsection (b)(1)(ii) of this section, the reference to "individuals" is substituted for the former reference to "persons" because this section refers only to human beings.

In subsection (b)(1)(iv) of this section, the former reference to "fully" equipped is deleted as surplusage.

Also in subsection (b)(1)(iv) of this section, the former reference to "proper" is deleted as unnecessary in light of the reference to "adequate".

Former Art. 2B, § 6-401(x)(3)(viii), which stated that "[t]he Board may adopt regulations to carry out this paragraph", is deleted as unnecessary because the Board has power to adopt regulations under § 32-207 of this title.

Defined terms: "Beer" § 1-101

"Board" § 32-101

"Wine" § 1-101

**32-1003. GOLF COURSE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR (GOLF COURSE) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE THE LICENSE FOR THE USE OF A GOLF COURSE OR ORGANIZATION THAT:**

- (I) IS OPEN TO THE PUBLIC;**
- (II) IS OPERATED FOR PROFIT;**
- (III) OWNS REAL ESTATE IN THE COUNTY; AND**
- (IV) HAS A GOLF COURSE WITH A MINIMUM OF 18 HOLES.**

**(2) (I) THE LICENSE MAY BE ISSUED FOR A GOLF COURSE THAT HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FOR EACH MONTH THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(II) IN CALCULATING AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK MAY NOT BE INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE, USED FOR GOLFING PURPOSES.**

**(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

**(3) (I) ALCOHOLIC BEVERAGES OTHER THAN BEER AND WINE THAT ARE SOLD OR OFFERED FOR SALE SHALL BE PURCHASED FROM THE LIQUOR CONTROL BOARD.**

**(II) EACH BOTTLE CONTAINING ALCOHOLIC BEVERAGES SHALL BE STAMPED OR OTHERWISE DESIGNATED "ON-SALE ONLY" BY THE LIQUOR CONTROL BOARD.**

**(D) HOURS AND DAYS OF SALE.**

**A HOLDER OF THE LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 10 A.M. TO MIDNIGHT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–506(b) through (i) and 11–523(c)(7).

In the introductory language of subsection (b)(1) of this section, the reference to the authority of the “Board of License Commissioners” to issue the license is added to state expressly what was previously implied by the former law, that the Board is the agency that issues the license.

In subsection (c)(3)(ii) of this section, the phrase “containing alcoholic beverages” is added for clarity.

Former Art. 2B, § 8–506(a), which stated that the provisions of former Art. 2B, § 8–506 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“County” § 32–101

“Wine” § 1–101

**32–1004. STADIUM LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B (STADIUM) BEER AND WINE LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE:**

**(I) TO THE OWNER OF A PROFESSIONAL BASEBALL TEAM FRANCHISE, REGARDLESS OF WHETHER THE FRANCHISE IS A PARTNERSHIP OR CORPORATION; AND**

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ONLY FOR A STADIUM THAT HAS THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FOR EACH MONTH EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

(2) AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK MAY NOT BE INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE:

(1) FOR ON-PREMISES CONSUMPTION;

(2) IN PLASTIC, STYROFOAM, PAPER, OR ALUMINUM CONTAINERS ON THE STADIUM PREMISES, EXCEPT THAT GLASS CONTAINERS MAY BE USED IN AN ENCLOSED DINING PREMISES IN WHICH THE PATRONS ARE SEATED; AND

(3) TO AN INDIVIDUAL PRESENT AT ANY EVENT HELD AT THE STADIUM.

(D) CARRYING ALCOHOLIC BEVERAGES ONTO OR FROM THE LICENSED PREMISES.

THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CARRY ALCOHOLIC BEVERAGES ONTO OR FROM THE LICENSED PREMISES.

(E) HOURS AND DAYS OF SALE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER AND WINE:

(I) ON MONDAY THROUGH SATURDAY, FROM NOON TO 9 P.M.;  
AND

(II) ON SUNDAY, FROM 1 P.M. TO 5 P.M.

(2) DURING A BASEBALL GAME, A HOLDER OF A STADIUM BEER AND WINE LICENSE MAY NOT SELL BEER OR WINE:

(I) AFTER THE BEGINNING OF THE EIGHTH INNING; OR

(II) DURING A DOUBLEHEADER, AFTER THE BEGINNING OF THE SIXTH INNING OF THE SECOND GAME.

(F) FEE.

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–223(b) through (f) and 11–523(c)(8).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to avoid confusion. In Wicomico County, wine that is sold under a retail license with a wine privilege may have an alcohol content above the traditional maximum level of 15.5% for light wine.

In subsection (b)(2) of this section, the former phrase “[i]n calculating average daily receipts from the sale of food” is deleted as surplusage.

In subsections (c)(3) and (d) of this section, the references to an “individual” are substituted for the former references to “persons” and “person” because these subsections apply only to human beings.

In subsection (c)(3) of this section, the phrase “at any event held at the stadium” is substituted for the former phrases “[a]t the baseball game in which the licensee’s team is playing” and “[a]t other events that are held at the stadium” for brevity.

In subsection (d) of this section, the former phrase “[e]xcept for a distributor of beer who is conducting business with the licensee for the purposes of this section” is deleted as surplusage.

In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer and wine” is substituted for the former references to “hours and days for sale specified in § 11–523(c)(8) of this article” and the “days and hours for the sale of alcoholic beverages are” for clarity and consistency with similar provisions on the hours and days of sale in this article.

Former Art. 2B, § 8–223(a), which stated that former Art. 2B, § 8–223 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 32–101

“Wine” § 1–101

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**32-1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTION.**

**SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 32-1102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 32-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**32-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF ANY LICENSE ISSUED BY THE BOARD EXCEPT A CLASS C LICENSE,**

**CLASS D LICENSE, CLASS B–CONFERENCE CENTER LICENSE, AND CLASS B–STADIUM LICENSE.****(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.****THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) CALCULATION OF AVERAGE DAILY RECEIPTS.**

**RECEIPTS COLLECTED UNDER THE PERMIT ARE TO BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER A CLASS B RESTAURANT LICENSE, CLASS B HOTEL LICENSE, AND CLASS B GOLF COURSE LICENSE.**

**(E) FEE.**

**THE ANNUAL PERMIT FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(w)(3)(i), (iv)1, (vi), and (vii).

In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

In subsection (c)(1) of this section, the reference to the “underlying license” is substituted for the former reference to the “license already held by the person to whom the refillable container permit is issued” for brevity.

Former Art. 2B, § 7–101(w)(3)(ii), (iii), (iv)2, (v), and (viii) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4–1104 of this article.

Former Art. 2B, § 7–101(w)(4), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 32–206 of this title.



Defined terms: "Board" § 32-101  
"License" § 1-101

**SUBTITLE 12. CATERER'S LICENSES.**

**32-1201. LOCAL CATERER'S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER'S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF:**

**(1) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE; OR**

**(2) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) (I) PROVIDE BEER AND WINE AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE IS ISSUED; OR**

**(II) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S CLASS B LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$550.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE OR A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE UNDER THIS SECTION FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Wicomico County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, §§ 6–710(b) through (g) and 9–102(m).

In subsections (b)(1), (c)(1)(i), and (f) of this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of not more than 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (c)(2) of this section, the reference to the “holder's” license is substituted for the former reference to the “underlying” license for clarity.

Also in subsection (c)(2) of this section, the former phrase “under this article” is deleted as surplusage.

In subsection (d) of this section, the former reference to providing food “as well as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section, the reference to a “local” caterer's license is added for clarity.

Also in subsection (f) of this section, the former reference to an “existing” license is deleted as surplusage.

Former Art. 2B, § 6–710(a)(1), which stated that former Art. 2B, § 6–710 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–710(a)(2), which defined “Board”, is deleted as redundant of the definition of “Board” in § 32–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 32–101

“Hotel” § 1–101

“On–sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

#### **32–1301. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1202 (“PER DIEM LICENSES”);**

**(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**

**(3) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);**

**(4) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**

**(5) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

**(6) § 4–1208 (“HOURS AND DAYS OF SALE”); AND**

**(7) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).**

##### **(B) EXCEPTION.**

**SECTION 4–1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 32–1311 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 32–101

**32-1302. RESERVED.**

**32-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**32-1304. BEER FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER FESTIVAL LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS 5 BREWERY LICENSE, CLASS 6 PUB-BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM BREWERY LICENSE.**

**(2) EACH MANUFACTURER THAT PARTICIPATES IN THE BEER FESTIVAL SHALL OBTAIN A BEER FESTIVAL LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER OWNED AND MANUFACTURED BY THE LICENSE HOLDER.**

**(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

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

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

**(E) TIME AND LOCATION OF FESTIVAL.**

**(1) THE BOARD MAY DESIGNATE THE NUMBER OF TIMES DURING A CALENDAR YEAR THAT THE LICENSE MAY BE ISSUED.**

**(2) THE FESTIVAL SHALL BE HELD AT A LOCATION THAT IS NOT ALREADY LICENSED.**

**(F) DURATION OF LICENSE.**

**THE LICENSE MAY BE IN EFFECT FOR NOT MORE THAN 3 CONSECUTIVE DAYS.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) FEE.**

**THE LICENSE FEE IS \$50 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-804(c) through (i) and (j)(2).

Throughout this section, the former references to a "special" beer festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1) of this section, the former reference to an "existing" license is deleted as surplusage.

Also in subsection (b)(1) of this section, the former phrase "[n]otwithstanding any other provision in this article," is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the reference to the license "authoriz[ing] the holder to display and sell beer" owned and manufactured by the license holder is substituted for the former reference to the requirement that the "products displayed and sold by a special beer festival license shall be products" owned and manufactured by the license holder for clarity and consistency with terminology used throughout this article.

In subsection (e)(2) of this section, the reference to a location that "is not already licensed" is substituted for the former reference to "nonlicensed premises" for clarity.

In subsection (e)(2) of this section, the former phrase "located in Wicomico County" is deleted as surplusage.

In subsection (f) of this section, the reference to "not more than 3 consecutive days" is substituted for the former reference to "a period not exceeding 3 days" for clarity.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit a ... licensee from holding” another license for clarity.

Former Art. 2B, § 8–804(a), which defined the term “Board”, is deleted as redundant in light of the defined term “Board” in § 32–101 of this title.

Former Art. 2B, § 8–804(b), which stated that former Art. 2B, § 8–804 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–804(j)(1), which stated that the Board may adopt regulations to implement this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 32–207 of this title.

Defined terms: “Beer” § 1–101  
“Board” § 32–101

### **32–1305. WINE FESTIVAL LICENSE.**

#### **(A) “FESTIVAL” DEFINED.**

**IN THIS SECTION, “FESTIVAL” MEANS THE WICOMICO COUNTY WINE FESTIVAL.**

#### **(B) ESTABLISHED.**

**THERE IS A WICOMICO COUNTY WINE FESTIVAL (WCWF) LICENSE.**

#### **(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

#### **(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS:**

**(1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

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

#### **(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**THE LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

- (1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND
  - (2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.
- (F) TIME, LOCATION, AND FOCUS OF FESTIVAL.

**THE BOARD SHALL:**

- (1) CHOOSE ONE WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE, EACH YEAR FOR THE FESTIVAL;
  - (2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND
  - (3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND WINE.
- (G) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

- (H) INVOICING AND DELIVERY.

**WINE DISPLAYED AND SOLD SHALL BE:**

- (1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND
  - (2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.
- (I) DELIVERY AGREEMENT.

A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF A WCWF LICENSE TO:

- (1) DELIVER WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND

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

**(J) FEE.**

**THE LICENSE FEE IS \$50 PER DAY.**

**(K) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–313.2(c) through (j) and (a)(1) and (3).

Throughout this section, the former references to a “special” WCWF license are deleted as surplusage.

Subsection (b) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the license “authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “holder of a special WCWF license shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (d) of this section, the former requirement that wine must be “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (f)(2) of this section, the reference to a location that is not “already licensed” is substituted for the former reference to a location that is not “licensed currently under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(2) of this section, the former reference to a location “for the Festival” is deleted as surplusage.



Also in subsection (f)(2) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder” from holding another license for clarity.

In the introductory language of subsection (h) of this section, the reference to “[w]ine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “wholesaler, winery, or limited winery” and in the introductory language of subsection (i) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for the former reference to a “holder of a wholesale, winery, or limited winery license”.

In the introductory language of subsection (i) of this section, the former phrase “[w]henver a special WCWF license is issued,” is deleted as surplusage.

In subsection (i)(1) of this section, the reference to delivery “not earlier than” 2 days before the effective date is added for clarity. Similarly, in subsection (i)(2) of this section, the reference to accepting returns “not later than” 2 days after the expiration date is added.

Former Art. 2B, § 8–313.2(a)(2), which defined “Board” to mean the Wicomico County Board of License Commissioners, is deleted as redundant of the defined term “Board” in § 32–101 of this title.

Former Art. 2B, § 8–313.2(b), which stated that former Art. 2B, § 8–313.2 applied only in Wicomico County, is deleted in light of the organization of this revised article.

Defined terms: “Board” § 32–101

“State” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

## **32–1306. BEER TASTING LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A BEER TASTING (BT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW ON-PREMISES CONSUMPTION OF BEER.**

**(D) APPLICATION PROCESS.**

**(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD AN APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

**(2) THE BOARD MAY ISSUE A LICENSE WITHOUT A HEARING.**

**(3) IF A LICENSE APPLICATION IS DENIED, THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

**(4) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS RENEWED.**

**(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

**A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 5 DAYS BEFORE A BEER TASTING EVENT.**

**(F) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE AN INDIVIDUAL A QUANTITY OF NOT MORE THAN 3 OUNCES OF BEER FROM EACH OFFERING FOR TASTING.**

**(G) OPEN BOTTLES.**

**(1) A MAXIMUM OF SIX CONTAINERS OF BEER MAY BE OPEN AT ONE TIME AT A BEER TASTING EVENT.**

**(2) ONCE OPENED, EACH CONTAINER SHALL BE MARKED THAT IT IS TO BE USED FOR THE BEER TASTING ONLY.**

**(3) ONCE EMPTY, ALL CONTAINERS SHALL BE DESTROYED.**

**(H) MAXIMUM NUMBER OF DAYS FOR TASTING EVENT.**

**THE DAYS DURING WHICH A BEER TASTING EVENT IS HELD MAY NOT EXCEED 50 IN ANY PERIOD FOR WHICH A LICENSE IS IN EFFECT.**

**(I) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

**(J) PROHIBITED ACTS.**

**(1) THE CONTENTS OF A CONTAINER MAY NOT BE MIXED WITH ANY OTHER CONTAINER.**

**(2) BEER TASTING MAY NOT BE CONDUCTED FROM A DRIVE-THROUGH WINDOW.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-412(c)(1)(i) and (2), (d)(1), (e), (f)(1)(ii) and (6), and (g)(1) and, as they related to the beer tasting license, (f)(2)(ii), (3), (4), and (5) and (g)(2).

Throughout this section, the former references to "sampling" are deleted as redundant of the references to "tasting".

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to the license "authoriz[ing] the holder to allow" the consumption of beer is added for clarity and consistency with the terminology used throughout this article.

In subsection (f) of this section, the reference to each "offering" is substituted for the former reference to each "brand" for clarity.

In subsection (g)(2) of this section, the reference to "the beer tasting" is substituted for the former reference to "that purpose" for clarity.

In subsection (h) of this section, the former reference to the "total number of" days is deleted as surplusage.

Former Art. 2B, § 8-412(a), which defined the term "license", to mean a beer tasting (BT) license, a wine tasting (WT) license, or a beer/wine tasting (BWT)

license is deleted as unnecessary because each of these licenses is treated separately in this subtitle.

Former Art. 2B, § 8–412(b), which stated that former Art. 2B, § 8–412 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–412(h), which stated that the Board may adopt regulations to carry out this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 32–207 of this title.

Defined terms: “Beer” § 1–101

“Board” § 32–101

“Wine” § 1–101

### **32–1307. WINE TASTING LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A WINE TASTING (WT) LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON–PREMISES CONSUMPTION OF WINE.**

#### **(D) APPLICATION PROCESS.**

**(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD AN APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

**(2) THE BOARD MAY ISSUE THE LICENSE WITHOUT A HEARING.**

**(3) IF A LICENSE APPLICATION IS DENIED, THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

**(4) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS RENEWED.**

**(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

**A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 5 DAYS BEFORE A WINE TASTING EVENT.**

**(F) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE AN INDIVIDUAL A QUANTITY OF NOT MORE THAN 1 OUNCE OF WINE FROM EACH OFFERING FOR TASTING.**

**(G) OPEN BOTTLES.**

**(1) A MAXIMUM OF SIX BOTTLES OF WINE MAY BE OPEN AT ONE TIME AT A WINE TASTING EVENT.**

**(2) ONCE OPENED, EACH BOTTLE SHALL BE MARKED THAT IT IS TO BE USED FOR THE WINE TASTING EVENT ONLY.**

**(3) ONCE EMPTY, EACH BOTTLE SHALL BE DESTROYED.**

**(H) MAXIMUM NUMBER OF DAYS FOR TASTING EVENT.**

**THE DAYS DURING WHICH A WINE TASTING EVENT IS HELD MAY NOT EXCEED 50 IN ANY PERIOD FOR WHICH A LICENSE IS IN EFFECT.**

**(I) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

**(J) PROHIBITED ACTS.**

**(1) THE CONTENTS OF A BOTTLE MAY NOT BE MIXED WITH THAT OF ANY OTHER BOTTLE.**

**(2) WINE TASTING MAY NOT BE CONDUCTED FROM A DRIVE-THROUGH WINDOW.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-412(c)(1)(ii) and (2), (d)(2), (e), (f)(1)(i) and (6), and (g)(1) and, as they related to the wine tasting license, (f)(2)(i), (3), (4), and (5) and (g)(2).

Throughout this section, the former references to "sampling" are deleted as redundant of the references to "tasting".

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to the license “authoriz[ing] the holder to allow” the consumption of wine is added for clarity and consistency with the terminology used throughout this article.

In subsection (f) of this section, the reference to each “offering” is substituted for the former reference to each “brand” for clarity.

In subsection (g)(2) of this section, the reference to “the wine tasting event” is substituted for the former reference to “that purpose” for clarity.

In subsection (h) of this section, the former reference to the “total number of” days is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 32–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

### **32–1308. BEER AND WINE TASTING LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF BEER OR WINE.**

#### **(D) APPLICATION PROCESS.**

**(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD AN APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

**(2) THE BOARD MAY ISSUE THE LICENSE WITHOUT A HEARING.**

**(3) IF A LICENSE APPLICATION IS DENIED, THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

**(4) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS RENEWED.**

**(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

**A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 5 DAYS BEFORE A BEER AND WINE TASTING EVENT.**

**(F) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE AN INDIVIDUAL, FOR TASTING, A QUANTITY OF NOT MORE THAN:**

**(1) 1 OUNCE OF WINE FROM EACH OFFERING; OR**

**(2) 3 OUNCES OF BEER FROM EACH OFFERING.**

**(G) OPEN BOTTLES.**

**(1) A MAXIMUM OF SIX BOTTLES OF WINE AND SIX CONTAINERS OF BEER MAY BE OPEN AT ONE TIME AT A BEER AND WINE TASTING EVENT.**

**(2) ONCE OPENED, EACH BOTTLE OR CONTAINER SHALL BE MARKED THAT IT IS TO BE USED FOR THE BEER AND WINE TASTING EVENT ONLY.**

**(3) ONCE EMPTY, EACH BOTTLE AND CONTAINER SHALL BE DESTROYED.**

**(H) MAXIMUM NUMBER OF DAYS FOR TASTING EVENT.**

**THE DAYS DURING WHICH BEER AND WINE TASTING EVENTS ARE HELD MAY NOT EXCEED 50 IN ANY PERIOD FOR WHICH THE LICENSE IS IN EFFECT.**

**(I) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

**(J) PROHIBITED ACTS.**

**(1) THE CONTENTS OF A BOTTLE OR CONTAINER MAY NOT BE MIXED WITH THAT OF ANY OTHER BOTTLE OR CONTAINER.**

**(2) BEER AND WINE TASTING MAY NOT BE CONDUCTED FROM A DRIVE-THROUGH WINDOW.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-412(c)(1)(iii) and (2), (d)(3), (e), (f)(1) and (6), and (g)(1) and, as they related to the beer and wine tasting license, (f)(2) through (5) and (g)(2).

Throughout this section, the former references to “sampling” are deleted as redundant of the references to “tasting”.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to the license “authoriz[ing] the holder to allow” the consumption of beer or wine is added to conform to the terminology used throughout this article.

In subsection (f) of this section, the references to each “offering” are substituted for the former references to each “brand” for clarity.

In subsection (g)(2) of this section, the reference to “the beer and wine tasting event” is substituted for the former reference to “that purpose” for clarity.

In subsection (h) of this section, the former reference to the “total number of” days is deleted as surplusage.

Defined terms: “Beer” § 1-101

“Board” § 32-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**32-1309. RESERVED.**

**32-1310. RESERVED.**

### **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**32-1311. LICENSE FEES.**



(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.

THE FEE FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM BEER AND WINE LICENSE IS \$30 PER DAY.

(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.

THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$45 PER DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(13) and (d)(14).

32-1312. CLASS C MULTIPLE EVENT ENTERTAINMENT LICENSE FOR FIRE DEPARTMENTS.

(A) ESTABLISHED.

THE BOARD MAY ISSUE A CLASS C MULTIPLE EVENT BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE ENTITLES THE LICENSE HOLDER TO EXERCISE ANY PRIVILEGE CONFERRED BY THE LICENSE AT AN ENTERTAINMENT EVENT HELD BY A FIRE DEPARTMENT.

(C) LICENSE FORM.

(1) THE LICENSE APPLICATION SHALL BE IN THE FORM THAT THE BOARD PROVIDES.

(2) THE APPLICANT SHALL SIGN THE FORM.

(D) LIMITATIONS.

A LICENSE HOLDER:

(1) MAY USE ONLY ONE MULTIPLE EVENT LICENSE IN A LICENSE YEAR; AND

(2) MAY NOT USE THE LICENSE FOR MORE THAN 40 DAYS IN A CALENDAR YEAR.

(E) NOTICE TO BOARD.

THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE EACH DAY THAT THE LICENSE IS TO BE USED.

(F) PER DIEM LICENSE AVAILABLE.

A FIRE DEPARTMENT IS NOT PREVENTED FROM OBTAINING A CLASS C PER DIEM LICENSE UNDER § 4-1202 OF THIS ARTICLE.

(G) FEES.

THE ANNUAL FEE FOR A LICENSE IS:

- (1) \$400 FOR NOT MORE THAN 10 DAYS;
- (2) \$800 FOR AT LEAST 11 BUT NOT MORE THAN 20 DAYS;
- (3) \$1,000 FOR AT LEAST 21 BUT NOT MORE THAN 30 DAYS; AND
- (4) \$1,100 FOR AT LEAST 31 BUT NOT MORE THAN 40 DAYS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(w)(2).

In subsection (b) of this section, the former reference to a "bona fide" entertainment event is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a fire department "in the county" is deleted as surplusage.

Former Art. 2B, § 7-101(w)(1), which stated that former Art. 2B, § 7-101(w) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 32-101  
"License holder" § 1-101

#### SUBTITLE 14. APPLICATIONS FOR LICENSES.

#### 32-1401. APPLICATION OF GENERAL PROVISIONS.

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (3) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (4) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (5) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);**
- (6) § 4-111 (“PAYMENT OF LICENSE FEES”);**
- (7) § 4-112 (“DISPOSITION OF LICENSE FEES”);**
- (8) § 4-113 (“REFUND OF LICENSE FEES”); AND**
- (9) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), SUBJECT TO § 32-1403 OF THIS SUBTITLE;**
- (2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), IN ADDITION TO § 32-1406 OF THIS SUBTITLE;**
- (3) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO § 32-1402 OF THIS SUBTITLE; AND**

**(4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), IN ADDITION TO § 32-1404 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 32-101

**32-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(vii)2A.

The reference to “criminal history record information” is substituted for the former reference to “criminal records” to conform to the terminology used in CP § 10-201.

Former Art. 2B, § 10-103(b)(13)(vii)1, which stated that former Art. 2B, § 10-103(b)(13)(vii) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 32-101

“Central Repository” § 1-101

“License” § 1-101

**32-1403. APPLICATION MADE ON BEHALF OF PARTNERSHIP.**

**(A) CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY AS PARTNER.**

**IF A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY IS A PARTNER OF A PARTNERSHIP APPLYING FOR A LICENSE, THE APPLICATION SHALL STATE:**

**(1) THE NAME OF EACH OWNER OF MORE THAN 33% OF THE STOCK IN THE CORPORATE PARTNER;**

**(2) THE NAME OF EACH OWNER OF MORE THAN 33% OF OWNERSHIP INTEREST OF THE PARTNERSHIP PARTNER; OR**

**(3) THE NAME OF EACH MEMBER WITH MORE THAN A 33% INTEREST IN THE LIMITED LIABILITY COMPANY PARTNER.**

**(B) STADIUM BEER AND WINE LICENSES.**

**(1) AN APPLICATION FOR A STADIUM BEER AND WINE LICENSE FOR A PARTNERSHIP SHALL BE MADE BY AND THE LICENSE ISSUED TO THREE INDIVIDUALS WHO:**

**(I) SHALL BE AUTHORIZED IN WRITING TO APPLY FOR AND HOLD THE LICENSE ON BEHALF OF THE PARTNERSHIP; BUT**

**(II) ARE NOT REQUIRED TO BE PARTNERS.**

**(2) ONE OF THE THREE INDIVIDUALS WHO APPLIES FOR A LICENSE SHALL:**

**(I) HAVE BEEN A RESIDENT OF THE COUNTY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED; AND**

**(II) HAVE BEEN A REGISTERED VOTER OF THE COUNTY FOR AT LEAST 1 YEAR IMMEDIATELY BEFORE THE APPLICATION IS FILED.**

**(3) THE NAME OF EACH PARTNER SHALL BE STATED ON THE APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(a)(7)(ii) and (iii).

In the introductory language of subsection (b)(1) of this section, the reference to "wine" is substituted for the former reference to "light wine" to avoid confusion. In Wicomico County, wine that is sold under a retail license with any wine privilege may have an alcohol content above the traditional maximum level of 15.5% for light wine.

In subsection (b)(1)(i) of this section, the reference to three individuals who are authorized "to apply for and hold the license on behalf of the partnership" is substituted for the former reference to individuals authorized "to act for the partnership by making application for and becoming holders of the license for the partnership" for clarity.

Former Art. 2B, § 9-101(a)(7)(i), which stated that the provisions of former Art. 2B, § 9-101(a)(7) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements that an applicant reside and be

a registered voter in the County in subsection (b)(2) of this section may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “County” § 32–101  
“License” § 1–101

### **32–1404. STATEMENTS REQUIRED IN APPLICATION.**

**AN APPLICANT SHALL INCLUDE A STATEMENT IN THE APPLICATION THAT:**

**(1) THE APPLICANT CONSENTS TO AN INVESTIGATION BY THE BOARD OF THE APPLICANT’S CRIMINAL RECORD; AND**

**(2) (I) THE APPLICANT IS AT LEAST 21 YEARS OLD; OR**

**(II) IF THERE IS MORE THAN ONE APPLICANT, AT LEAST ONE OF THE APPLICANTS IS AT LEAST 21 YEARS OLD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–104(x)(3) and 10–103(b)(9)(iii), as it related to Wicomico County.

Defined term: “Board” § 32–101

### **32–1405. RESIDENCY REQUIREMENTS FOR LICENSE.**

**(A) ISSUANCE OF LICENSE RESTRICTED.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE TO A CORPORATION OR LIMITED LIABILITY COMPANY UNLESS THE INDIVIDUAL QUALIFYING UNDER THIS ARTICLE:**

**(1) HAS BEEN A REGISTERED VOTER, TAXPAYER, AND RESIDENT OF THE COUNTY FOR AT LEAST 2 YEARS BEFORE THE SUBMISSION OF THE APPLICATION; AND**

**(2) OWNS AT LEAST 20% OF THE TOTAL ISSUED CAPITAL STOCK OF THE CORPORATION OR 20% OF THE TOTAL INTERESTS OF THE LIMITED LIABILITY COMPANY.**

**(B) NO EFFECT ON ALREADY ISSUED LICENSE.**

**THIS SECTION DOES NOT AFFECT A LICENSE THAT HAS ALREADY BEEN ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(l).

In subsection (a) of this section, the phrase “the Board may not issue” is added for clarity.

In subsection (b) of this section, the phrase “[t]his section does not affect” is substituted for the former phrase “[p]rovided, however, that any license currently issued shall not be affected” for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (a)(1) of this section that an applicant be a registered voter in, taxpayer in, and resident of the County may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined term: “County” § 32–101

**32–1406. INDICATION OF FINANCIAL INTEREST BY CLUB OFFICERS NOT REQUIRED.**

**IF THREE OFFICERS OF A CLUB ACTING AS INDIVIDUALS APPLY FOR A CLASS C CLUB LICENSE, THE APPLICANTS ARE NOT REQUIRED TO FILE A STATEMENT INDICATING A FINANCIAL INTEREST IN THE BUSINESS TO BE CONDUCTED UNDER THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(x)(2).

Defined terms: “Club” § 1–101  
“License” § 1–101

**32–1407. APPLICATION FEE.****(A) AMOUNT OF FEE.**

**IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE, AN APPLICATION FEE OF \$75 SHALL BE CHARGED FOR AN APPLICATION FOR A NEW LICENSE, MADE PAYABLE TO THE COUNTY COLLECTING AGENT.**

**(B) APPLICATION FEE NOT REFUNDABLE.**

**THE APPLICATION FEE IS NONREFUNDABLE WHETHER THE LICENSE IS ISSUED OR DENIED.**

**(C) NOT APPLICABLE TO LICENSE RENEWAL OR TRANSFER.**

**THE APPLICATION FEE DOES NOT APPLY TO THE RENEWAL OR TRANSFER OF A LICENSE FOR THE SAME PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first, second, and fourth sentences of former Art. 2B, § 10-104(x)(5).

In subsection (a) of this section, the former reference to a new license "of any class" is deleted as surplusage.

Former Art. 2B, § 10-104(x)(1), which stated that former Art. 2B, § 10-104(x) applied only to Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

The third sentence of former Art. 2B, § 10-104(x)(5), which stated that the application fee must be used by the Board to cover the expenses of the Board in connection with its functions, is deleted as obsolete.

Defined terms: "County" § 32-101

"License" § 1-101

## **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

### **32-1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-202 ("AUTHORITY OF LOCAL LICENSING BOARDS");**

**(2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**



- (3) § 4-207 (“LICENSES ISSUED TO MINORS”);
- (4) § 4-209 (“HEARING”);
- (5) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (6) § 4-213 (“REPLACEMENT LICENSES”); AND
- (7) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO §§ 32-1502 AND 32-1506 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;
- (2) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO §§ 32-1502 AND 32-1506 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;
- (3) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”), SUBJECT TO § 32-1503 OF THIS SUBTITLE;
- (4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 32-1507 OF THIS SUBTITLE;
- (5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”), SUBJECT TO § 32-1508 OF THIS SUBTITLE; AND
- (6) § 4-212 (“LICENSE NOT PROPERTY”), SUBJECT TO § 32-1509 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 32-101

“License” § 1-101

“Local licensing board” § 1-101

**32-1502. PROHIBITION AGAINST ISSUANCE OF MULTIPLE LICENSES — EXCEPTIONS.**

**THE PROHIBITIONS AGAINST ONE PERSON BEING ISSUED MORE THAN ONE LICENSE UNDER § 4-203 OF THIS ARTICLE DO NOT APPLY TO:**

**(1) A CLASS 6 PUB-BREWERY LICENSE ISSUED UNDER § 2-208 OF THIS ARTICLE OR A CLASS 7 MICRO-BREWERY LICENSE ISSUED UNDER § 2-209 OF THIS ARTICLE; OR**

**(2) A CLASS B BEER, WINE, AND LIQUOR LICENSE ISSUED UNDER § 32-902 OF THIS ARTICLE IF:**

**(I) THE RESIDENT APPLICANT HAS BEEN A RESIDENT OF THE COUNTY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION; AND**

**(II) THE MINIMUM CAPITAL INVESTMENT IN THE PREMISES IS AT LEAST \$200,000 OR THE PREMISES HAVE A FAIR MARKET VALUE OF AT LEAST \$200,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(k).

In the introductory language of this section, the reference to the “prohibitions against one person being issued more than one license under § 4-230 of this article” is substituted for the former reference to “[t]he provisions of subsections (a) and (a-1) of this section” for clarity.

In item (1) of this section, the references to “a Class 6 pub-brewery license” and “a Class 7 micro-brewery license” are added for clarity.

Defined terms: “County” § 32-101

“License” § 1-101

“Person” § 1-101

**32-1503. CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.**

**SECTION 4-205 OF THIS ARTICLE DOES NOT APPLY TO A LICENSE ISSUED UNDER:**

**(1) § 2-208 OR § 2-209 (REGARDING PUB-BREWERY AND MICRO-BREWERY LICENSES) OF THIS ARTICLE; OR**

**(2) § 32-902 (REGARDING CLASS B BEER, WINE, AND LIQUOR LICENSES) OF THIS ARTICLE IF:**

**(I) THE RESIDENT APPLICANT HAS BEEN A RESIDENT OF THE COUNTY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION; AND**

**(II) THE MINIMUM CAPITAL INVESTMENT IN THE PREMISES IS AT LEAST \$200,000 OR THE PREMISES HAVE A FAIR MARKET VALUE OF AT LEAST \$200,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(k).

Defined term: "License" § 1-101

**32-1504. MARRIED COUPLE CONSIDERED TO BE ONE PERSON.**

**FOR PURPOSES OF THIS SUBTITLE, A MARRIED COUPLE IS CONSIDERED TO BE ONE PERSON.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(g).

The reference to a "married couple" is substituted for the former reference to a "man and wife" for consistency with FL § 2-201, as enacted by Ch. 2 of the Acts of 2012.

Defined term: "Person" § 1-101

**32-1505. LICENSE FOR INCOMPLETE, REMODELED, OR RENOVATED BUILDING.**

**(A) TENTATIVE APPROVAL BY BOARD.**

**THE BOARD MAY GIVE TENTATIVE APPROVAL TO ISSUING A LICENSE FOR AN ESTABLISHMENT THAT IS NOT COMPLETED OR THAT IS TO BE REMODELED OR RENOVATED, BASED ON THE BUILDING PLANS AND SPECIFICATIONS THAT ACCOMPANY THE APPLICATION.**

**(B) FINAL APPROVAL BY BOARD.**

**THE BOARD MAY GIVE FINAL APPROVAL OF A LICENSE APPLICATION UNDER THIS SECTION ON COMPLETION OF THE CONSTRUCTION, REMODELING, OR RENOVATION IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(x)(4).

In subsection (a) of this section, the former phrases “or portion of it” are deleted as included in the reference to a “building”.

In subsection (b) of this section, the reference to final approval “of a license application under this section” is added for clarity.

Also in subsection (b) of this section, the reference to the “construction, remodeling, or renovation” is substituted for the former reference to the “construction or remodeling” for consistency with subsection (a) of this section.

Former Art. 2B, § 10–104(x)(1), which stated that former Art. 2B, § 10–104(x) applied only to Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 32–101  
“License” § 1–101

### **32–1506. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“License” § 1–101  
“Wine” § 1–101

**32-1507. POSTING OF NOTICE OF APPLICATIONS TO BE HEARD.****(A) AT LOCATION DESCRIBED IN THE LICENSE.**

IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4-208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN AN APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.

**(B) CONTENTS.**

A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH THE APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(b)(1)(ii) and (i)9.

In subsection (a) of this section, the reference to the "location" is substituted for the former reference to the "premises" for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to "post[ing] a suitable notice ... for" at least 10 days is substituted for the former reference to "caus[ing] a suitable sign or notice to be posted and to remain posted for a period of" at least 10 days for brevity.

Also in subsection (a) of this section, the reference to an "application hearing" is substituted for the former reference to "action upon the application" for consistency with subsection (b) of this section.

In subsection (b) of this section, the reference to the "date" for an application hearing is added for clarity.

Defined terms: "Board" § 32-101

"License" § 1-101

**32-1508. OTHER FACTORS IN DECIDING WHETHER TO ISSUE LICENSE.****(A) INSPECTION.**

THE BOARD SHALL MAKE A PHYSICAL INSPECTION OF THE LOCATION DESCRIBED IN THE APPLICATION BEFORE ISSUING A LICENSE.

**(B) OTHER FACTORS.**

**BEFORE THE BOARD ISSUES A LICENSE, THE BOARD SHALL CONSIDER AND DETERMINE AS SUITABLE:**

**(1) THE MORAL CHARACTER AND FINANCIAL RESPONSIBILITY OF THE APPLICANT;**

**(2) THE APPROPRIATENESS OF THE LOCATION DESCRIBED IN THE APPLICATION, TAKING INTO CONSIDERATION THE NUMBER OF EXISTING LICENSES; AND**

**(3) THE GENERAL FITNESS OF THE APPLICANT TO ENGAGE IN THE BUSINESS AUTHORIZED BY THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(k).

In subsection (a) of this section, the reference to inspection of the “location described in the application” is substituted for the former reference to inspection of the “proposed licensed premises” for consistency with terminology used throughout this article.

In the introductory language of subsection (b) of this section, the requirement that the Board “consider and determine as suitable” specified factors before issuing a license is substituted for the former requirement that the Board “satisfy themselves” of specified factors before issuing a license for clarity.

In subsection (b)(2) of this section, the reference to the location “described in the application” is substituted for the former reference to the location “where such licensed business is to be conducted” for consistency with terminology used throughout this article.

Defined terms: “Board” § 32–101

“License” § 1–101

### **32–1509. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.**

**A LICENSE IS NOT SUBJECT TO:**

**(1) A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSE HOLDER; OR**

**(2) A DISTRAINT FOR RENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–501(f).

Defined terms: “License” § 1–101  
“License holder” § 1–101

#### GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 2B, § 15–111(a), which stated exceptions to former Art. 2B, § 15–111, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 15–111(b), which stated that former Art. 2B, § 15–111 applied to Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 15–111(c)(1), which stated that the Board of License Commissioners shall issue licenses for which provision is made in this article, is deleted as included in § 3–402 of this article, which authorizes a local licensing board to issue licenses in its jurisdiction.

### **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

#### **PART I. LICENSING CONDITIONS.**

#### **32–1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

##### **(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 500 FEET OF A PLACE OF WORSHIP OR A PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL.**

**(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF WORSHIP OR THE PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL IS TO BE THE DISTANCE THAT AN INDIVIDUAL COULD WALK DIRECTLY FROM THE MAIN ENTRANCE OF THE ESTABLISHMENT TO THE MAIN ENTRANCE OF THE PLACE OF WORSHIP OR SCHOOL.**

##### **(B) EXCEPTIONS.**

**(1) A PERSON MAY APPLY FOR A LICENSE WITHIN 6 MONTHS FOLLOWING THE TERMINATION OF A LICENSE AT AN EXISTING LOCATION THAT FALLS WITHIN THE RESTRICTION IMPOSED BY SUBSECTION (A) OF THIS SECTION.**

**(2) THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

**(I) A TEMPORARY LICENSE; OR**

**(II) THE DOWNTOWN PLAZA OF SALISBURY THAT:**

**1. IS WITHIN THE AREA STARTING FROM THE INTERSECTION OF CAMDEN AVENUE AND CARROLL STREET, EASTWARD ALONG CARROLL STREET TO U.S. ROUTE 13, THEN NORTHWARD TO U.S. ROUTE 50, THEN WESTWARD TO MILL STREET, AND THEN SOUTHWARD TO THE POINT OF ORIGIN; BUT**

**2. DOES NOT INCLUDE BUSINESSES LOCATED ON THE OPPOSITE SIDES OF THE STREETS LISTED IN ITEM 1 OF THIS ITEM.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–223(c), (d), (e), and (b)(3), (4), and (5).

In subsection (a)(1) of this section, the former definition of “school”, used only once in the former law, is revised as part of the substantive provisions of subsection (a)(1) of this section for concision. Similarly, in subsections (a)(2) and (b)(2)(ii) of this section, the former definitions of “measurement” and “Downtown Plaza” are revised as substantive provisions.

Also in subsection (a)(1) of this section, the former reference to a license “to sell alcoholic beverages” is deleted as included in the defined term “license”.

Also in subsection (a)(1) of this section, the former reference to a “church” is deleted as included in the reference to a “place of worship”.

In subsection (a)(2) of this section, the reference to “an individual” is substituted for the former reference to “a person” because only human beings are capable of walking from an establishment to a place of worship or school.

Also in subsection (a)(2) of this section, the former reference to the main entrance of the “building that is the proposed” establishment “for which the license is requested” is deleted as surplusage.

In subsection (b)(2)(i) of this section, the former reference to a “special” license is deleted as unnecessary in light of the reference to a “temporary” license.

Former Art. 2B, § 9–223(a), which stated that former Art. 2B, § 9–223 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.



Former Art. 2B, § 9–223(b)(1), which stated that “[i]n this section the following words have the meanings indicated”, is deleted as unnecessary since the defined terms contained in former § 9–223(b) have been included in the substantive provisions of this section or repealed.

Former Art. 2B, § 9–223(b)(2), which defined “church”, is deleted as unnecessary since the word “church” is not used in this section.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the distance restriction established under former Art. 2B, § 9–223(c), revised in subsection (a)(1) of this section, applies only to an elementary or a secondary school, and not to a middle school.

Defined terms: “Board” § 32–101

“License” § 1–101

“Person” § 1–101

**32–1602. RESERVED.**

**32–1603. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**32–1604. RESERVED.**

### **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**32–1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**AND**

**(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”).**

**(B) EXCEPTION.**

**SECTION 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 32-1704 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 32-1702 OF THIS SUBTITLE; AND**

**(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 32-1703 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of the names of officers on licenses.

Defined terms: “County” § 32-101  
“License” § 1-101

**32-1702. WAIVER OF PUBLICATION NOTICE AUTHORIZED.**

**THE BOARD MAY WAIVE THE PUBLICATION NOTICE REQUIRED UNDER § 4-302(B)(4) OF THIS ARTICLE FOR THE TRANSFER OF A CLASS C CLUB LICENSE IF:**

**(1) THE PERSON WHOSE NAME APPEARS ON THE LICENSE BECOMES INELIGIBLE; AND**

**(2) A NEW APPLICATION FOR THE SAME CLASS OF LICENSE IS PROPERLY FILED WITH THE BOARD WITHIN 10 DAYS AFTER THE PERSON BECOMES INELIGIBLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(x)(2).

Former Art. 2B, § 10-503(x)(1), which stated that former Art. 2B, § 10-503(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 32-101  
“Club” § 1-101  
“Person” § 1-101

**32-1703. FEE.**

**THE FEE FOR A TRANSFER OF A LICENSE IS \$75, IN ADDITION TO THE COSTS OF PUBLICATION, NOTICE, AND ANY HEARING FEES REQUIRED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(x)(3).

The former reference to an "assignment" is deleted as included in the reference to a "transfer".

Defined term: "License" § 1-101

**32-1704. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.****(A) CONDITIONS FOR SUBSTITUTION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

**(I) HAS DIED;**

**(II) HAS RETIRED; OR**

**(III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

**(2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE ORIGINAL OFFICER.**

**(B) AFFIDAVIT REQUIRED.**

**THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT CONTAINS:**

**(1) THE SUBSTITUTION OF THE OFFICER; AND**

**(2) AN EXPLANATION FOR THE SUBSTITUTION.**

**(C) CORRECTED LICENSE TO BE ISSUED.**

**ON RECEIPT OF THE AFFIDAVIT BY THE BOARD AND PAYMENT OF A \$50 FEE TO THE COUNTY TREASURER, THE BOARD SHALL:**

- (1) AMEND ITS RECORDS; AND**
- (2) ISSUE A CORRECTED LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first, second, third, and fifth sentences of former Art. 2B, § 10-301(h)(1), as they related to Wicomico County.

In subsection (a) of this section, the former reference to an officer who has “been removed from office” is deleted as included in the reference to an officer who “no longer holds an office in the corporation or club”.

In the introductory language of subsection (a)(1) of this section, the reference to “any officer who” is substituted for the former reference to “the deleted officer” for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former reference to any “class of alcoholic beverage” license is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase “during any license year” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase “notwithstanding any other provision of this article” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to requirements “applicable to the original officer” is substituted for the former reference to requirements “the substitute would have to meet if the substitute were named in the original application” for brevity.

Also in subsection (a)(2) of this section, the former reference to a “fit” individual is deleted as implicit in the requirement that the individual be approved by the Board and meet the requirements applicable to the original officer.

In subsection (b)(1) of this section, the former reference to “officers” is deleted in light of the reference to “officer” and GP § 1-202, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the reference to a “corrected license” is substituted for the former reference to a “new license with the corrected names on it” for brevity.

Defined terms: “Board” § 32–101

“Club” § 1–101

“County” § 32–101

“License” § 1–101

“License holder” § 1–101

#### **SUBTITLE 18. RENEWAL OF LICENSES.**

##### **32–1801. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”);**
- (3) § 4–406 (“PROTESTS”);**
- (4) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (5) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (6) § 4–409 (“MULTIPLE LICENSES”); AND**
- (7) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

###### **(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4–403 (“RENEWAL APPLICATION”), SUBJECT TO § 32–1802 OF THIS SUBTITLE; AND**
- (2) § 4–405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO § 32–1803 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: "County" § 32-101  
"License" § 1-101

### **32-1802. RENEWAL APPLICATION FEE.**

**AN APPLICANT FOR LICENSE RENEWAL SHALL PAY A RENEWAL APPLICATION FEE OF \$50 TO THE LOCAL COLLECTING AGENT IN ADDITION TO THE LICENSE FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(k)(3).

The reference to "a renewal application fee ... in addition to the license fee" is substituted for the former reference to "an additional renewal application fee" to state expressly that which only was implied in the former law.

The former reference to a license "issued by the Board" is deleted as unnecessary.

Former Art. 2B, § 10-301(k)(1), which stated that former Art. 2B, § 10-301(k) applied only to Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10-301(k)(2), which defined "Board", is deleted as redundant of the defined term "Board" in § 32-101 of this title.

Defined terms: "License" § 1-101  
"Local collecting agent" § 1-101

### **32-1803. PAYMENT OF TAXES.**

**THE BOARD MAY NOT RENEW A LICENSE UNTIL THE LICENSE HOLDER PRESENTS THE BOARD WITH A CERTIFICATE OF RECEIPT ISSUED BY THE COUNTY FINANCE DEPARTMENT SHOWING THAT THERE ARE NO UNPAID TAXES ON THE INVENTORY AND PERSONAL PROPERTY OF THE RENEWAL APPLICANT DUE TO THE COUNTY OR STATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(k)(4).

The reference to a "renewal" applicant is added for clarity.

The reference to a certificate of receipt “issued by” the County Finance Department is substituted for the former reference to a certificate of receipt “from” that Department for clarity.

The reference to the County Finance “Department” is substituted for the former reference to the County Finance “Office” for accuracy.

Defined terms: “Board” § 32–101

“County” § 32–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

The seventh sentence of former Art. 2B, § 10–301(h)(1), which applied to an application for renewal of a restaurant license in Wicomico County, is deleted as unnecessary.

#### **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

##### **32–1901. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (4) § 4–507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (5) § 4–508 (“DISPLAY OF LICENSE”).**

###### **(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT TO § 32-1902 OF THIS SUBTITLE; AND**

**(2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 32-1903 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 32-101

“License” § 1-101

“License holder” § 1-101

### **32-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**AN INDIVIDUAL WHO IS AT LEAST 16 YEARS OLD AND HAS A WORK PERMIT MAY BE EMPLOYED AT A LICENSED PREMISES TO STOCK ALCOHOLIC BEVERAGES OR CLEAR TABLES AND BAR AREAS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(b)(13).

Defined term: “Alcoholic beverage” § 1-101

### **32-1903. ALCOHOL AWARENESS PROGRAM.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A HOLDER OF A CLASS C LICENSE.**

**(B) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED PREMISES ALLOWED.**

**(1) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:**

**(I) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**



**(2) THE LICENSE HOLDER OR INDIVIDUAL SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE ABSENT FROM THE LICENSED PREMISES FOR A PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.**

**(3) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

**(C) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(d) and (c)(2)(iii) and (iv)4 and, as they related to Wicomico County, (ii), (i)7, and (iv)1.

In subsection (b) of this section, the references to an “individual” are substituted for the former references to a “person” because this section applies only to human beings.

In subsection (b)(1)(ii) of this section, the reference to being present “on the licensed premises” is added for clarity.

Also in subsection (b)(1)(ii) of this section, the defined term “alcoholic beverage[s]” is substituted for the former reference to “alcohol” to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the former reference to a “bona fide” personal or business reason is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 32–101

“License holder” § 1–101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**32–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Wicomico County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

### **32–2002. BEER LICENSES.**

#### **(A) CLASS A BEER LICENSE.**

##### **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER UNDER:**

**(1) A 6–DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT; OR**

**(2) A 7–DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

#### **(B) CLASS B BEER LICENSE.**

**(1) A HOLDER OF A CLASS B (HOTEL AND RESTAURANT) BEER LICENSE MAY SELL BEER:**

**(I) FOR OFF–PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT; AND**

**(II) FOR ON–PREMISES CONSUMPTION:**

**1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. ON SUNDAY, FROM 10 A.M. TO MIDNIGHT, ONLY TO CUSTOMERS WHO ARE SEATED AT TABLES ON THE PREMISES.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER LICENSE.**

**(1) A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER LICENSE.**

**A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER FROM 6 A.M. TO MIDNIGHT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-301(f), (a)(1), (c)(1), and (d)(1), 11-403(a)(1)(ii), and 11-523(c)(3).

Former Art. 2B, § 11-523(a), which stated that former § 11-523 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "Beer" § 1-101

**32-2003. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE UNDER:**

**(1) A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT; OR**

**(2) A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(B) CLASS B BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS B (HOTEL AND RESTAURANT) BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT; AND**

(II) FOR ON-PREMISES CONSUMPTION:

1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

2. ON SUNDAY, FROM 10 A.M. TO MIDNIGHT, ONLY TO CUSTOMERS WHO ARE SEATED AT TABLES ON THE PREMISES.

(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.

(C) CLASS C BEER AND WINE LICENSE.

A HOLDER OF A CLASS C BEER AND WINE (ON-SALE) LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.

(D) CLASS D BEER AND WINE LICENSE.

(1) A HOLDER OF A 6-DAY CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY:

(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT; AND

(II) FOR ON-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) A HOLDER OF A 7-DAY CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:

(I) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO MIDNIGHT; AND

(II) FOR ON-PREMISES CONSUMPTION:

1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

2. EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT FOR CUSTOMERS WHO ARE SEATED.

**(3) A HOLDER OF A 7-DAY CLASS D BEER AND WINE LICENSE ISSUED FOR A BOWLING ALLEY MAY SELL BEER AND WINE ON SUNDAY FROM NOON TO MIDNIGHT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-302(f), (a)(1), (c)(1), and (d)(1) and (7), 11-523(c)(4) through (6), and, as it related to the Class B license, 11-403(a)(1)(ii).

In this section, the references to a "beer and wine license" are substituted for the former references to a "beer and light wine license" to avoid confusion. Traditionally, wines were divided according to their amount of alcoholic content into two groups: light wines (containing up to 15.5% alcohol by volume) and fortified wines (containing above 15.5%). However, in former Art. 2B, § 4-101(x), "light wine" was defined in the County as a fermented beverage containing up to 22% of alcohol by volume – a maximum amount sufficient to include fortified wines, thus rendering meaningless the traditional division of wines into light wines and fortified wines.

Defined terms: "Beer" § 1-101  
"Wine" § 1-101

#### **32-2004. BEER, WINE, AND LIQUOR LICENSES.**

##### **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

##### **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 10 A.M. TO MIDNIGHT, ONLY TO CUSTOMERS WHO ARE SEATED AT TABLES ON THE PREMISES.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

##### **(C) CLASS B-SWL LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B–SWL LICENSE MAY SELL WINE FOR OFF–PREMISES CONSUMPTION:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO MIDNIGHT; AND**

**(II) ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT.**

**(2) A HOLDER OF A CLASS B–SWL LICENSE MAY EXERCISE THE PRIVILEGES UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE LICENSED PREMISES IS OPEN FOR BUSINESS AS A RESTAURANT.**

**(D) CLASS C CLUB BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS C CLUB BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT, ONLY TO CUSTOMERS WHO ARE SEATED ON THE PREMISES.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(E) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–201(x)(4)(i), (xi), and (xii), 11–403(a)(1)(ii), 11–523(c)(1) and (2), and 11–303(a)(1) and the first sentence of (d)(6).

In subsection (a) of this section, the reference to “Monday through Saturday” is substituted for the former reference to “every day except Sunday” to conform to the terminology used throughout this subtitle.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**32–2005. HOURS OF SALE ON JANUARY 1.**

**THE BOARD SHALL DETERMINE THE HOUR WHEN A LICENSE HOLDER SHALL STOP SELLING ALCOHOLIC BEVERAGES ON THE MORNING OF JANUARY 1, REGARDLESS OF THE DAY ON WHICH JANUARY 1 FALLS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(x)(2).

Former Art. 2B, § 11-402(x)(1), which stated that former § 11-402(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 32-101

"License holder" § 1-101

**32-2006. CONSUMPTION ALLOWED FOR 30 MINUTES AFTER HOURS OF SALE.**

**WHEN THE HOURS OF SALE FOR CONSUMPTION ON THE PREMISES END:**

**(1) ALCOHOLIC BEVERAGES MAY CONTINUE TO BE CONSUMED ON THE PREMISES FOR 30 MINUTES; AND**

**(2) THEREAFTER, EACH TABLE AND BAR AREA SHALL BE CLEARED OF ALL ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-523(b).

The second sentence of former Art. 2B, § 11-303(d)(6), which stated that "[w]here sales are permitted until 2 a.m., alcoholic beverages may not be consumed after 2:30 a.m.", is deleted as included in the broader language of this section.

Defined term: "Alcoholic beverage" § 1-101

**SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

**32-2101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 ("REVOCATION AND SUSPENSION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**



- (1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”);
- (2) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”); AND
- (3) § 4-605 (“NUDITY AND SEXUAL DISPLAYS”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”), SUBJECT TO § 32-2102 OF THIS SUBTITLE; AND
- (2) § 4-606 (“EFFECTS OF REVOCATION”), SUBJECT TO § 32-2103 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(17), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 32-101  
 “License” § 1-101  
 “Local licensing board” § 1-101

**32-2102. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.**

**IN ADDITION TO THE GROUNDS FOR REVOCATION OR SUSPENSION IN § 4-604 OF THIS ARTICLE, THE BOARD MAY REVOKE OR SUSPEND A NEW OR TRANSFERRED LICENSE:**

- (1) IF THE LICENSE HAS NOT BEEN PLACED IN OPERATION AFTER 6 MONTHS FOLLOWING ITS ISSUANCE OR TRANSFER; OR
- (2) FOR A CONVICTION OF THE LICENSE HOLDER FOR VIOLATING STATE GAMBLING LAW IN OR ON THE LICENSED PREMISES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–401(h).

In item (1) of this section, the reference to the “issuance or transfer” of a license is substituted for the former reference to the “approval of the Board of the new license or the transfer of the license” for brevity.

In item (2) of this section, the former reference to “gaming” is deleted as included in the reference to “gambling”.

Defined terms: “Board” § 32–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

### **32–2103. EFFECTS OF REVOCATION — ALCOHOLIC BEVERAGE TAX VIOLATION.**

#### **(A) IN GENERAL.**

**IF A LICENSE IS REVOKED BECAUSE THE LICENSE HOLDER IS CONVICTED OF VIOLATING THIS ARTICLE OR THE PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX, A LICENSE MAY NOT BE ISSUED TO THE FORMER LICENSE HOLDER WITHIN 1 YEAR AFTER THE REVOCATION.**

#### **(B) 6–MONTH MORATORIUM.**

**A PERSON OTHER THAN THE FORMER LICENSE HOLDER MAY NOT OBTAIN A LICENSE FOR THE SAME PREMISES UNTIL AFTER 6 MONTHS FOLLOWING THE REVOCATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–404(e).

In subsection (a) of this section, the reference to the “former license holder” is substituted for the former reference to “the same person” for clarity.

Also in subsection (a) of this section, the reference to “after the revocation” is substituted for the former reference to “thereafter” for clarity.

In subsection (b) of this section, the reference to “[a] person other than the former license holder” is substituted for the former reference to “[n]o other persons” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **32–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 32–101  
“License” § 1–101

### **32–2202. SEASONAL CLOSING.**

**THE BOARD MAY AUTHORIZE THE CLOSING OF A LICENSED PREMISES FOR NOT MORE THAN 6 MONTHS IF:**

**(1) THE BOARD DETERMINES THAT THE LICENSED PREMISES IS SEASONALLY OPERATED; AND**

**(2) THE LICENSE HOLDER SUBMITS A WRITTEN REQUEST TO THE BOARD AT LEAST 30 DAYS BEFORE THE ANTICIPATED DATE OF CLOSING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–504(f)(2)(i) and, as it related to Wicomico County, (1).

In item (1) of this section, the former phrase “under its jurisdiction” is deleted as surplusage.

Defined terms: “Board” § 32–101  
“License holder” § 1–101

## **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

### **32–2301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);**

**(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

**(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND**

**(4) § 4–806 (“REFUND”).**

**(B) VARIATION.**

**SECTION 4–803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 32–2302 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 32–101

“License” § 1–101

“License holder” § 1–101

**32–2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.**

**(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.**

**(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:**

**(I) THE SURVIVING SPOUSE;**

**(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR**

**(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

**(2) THE NEW LICENSE SHALL BE ISSUED:**

**(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

**(II) WITHOUT FURTHER PROCEEDINGS.**

**(B) RENEWAL LICENSE.**

**A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:**

**(1) THE SURVIVING SPOUSE;**

**(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

**(3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(b)(9).

In the introductory language of subsection (a)(1) of this section, the former phrase "[n]otwithstanding any provisions to the contrary in this article" is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to "the Comptroller ..., as the case may be, that granted the license" is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer "of the corporation" is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the "current" license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to "the necessity of" further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license "under this article" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 32–101

“License” § 1–101

“License holder” § 1–101

#### **SUBTITLE 24. JUDICIAL REVIEW.**

##### **32–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 32–101

#### **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

##### **32–2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

**(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT ENTERTAINMENT THAT:**

**(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

**(2) ALLOWS AT ITS LOCATION ANY FORM OF ATTIRE OR SEXUAL DISPLAY PROHIBITED UNDER § 4–605 OF THIS ARTICLE.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–112(a), (c), and (d).

In subsection (a) of this section, the reference to “adult” entertainment is substituted for the former references to “public” entertainment for clarity.

Also in subsection (a) of this section, the former references to “dispense” are deleted as included in the references to “serve”.

In subsection (a)(2) of this section, the reference to “location” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

Former Art. 2B, § 20–112(b), which provided that former Art. 2B, § 20–112 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
“License” § 1–101  
“Person” § 1–101

**32–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

- (1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**
- (2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsections (a)(1) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 32–2501 of this subtitle, a person who operates an unlicensed business establishment who knowingly allows a customer to bring alcoholic beverages for consumption into the establishment is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both, while under this section, an owner or a manager of an unlicensed establishment who allows the consumption of alcoholic beverages in the establishment is subject only to a fine not exceeding \$50.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101



*Editor's Note:*

*Chapter 41, the Alcoholic Beverages Article, continues in the next volume.*

