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By: **Senator Baker**

Introduced and read first time: January 31, 2000

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Kent County - Alcoholic Beverages - Licensees**

3 FOR the purpose of authorizing the Kent County Board of License Commissioners to  
4 issue a caterer's license to a certain alcoholic beverages licensee; altering the  
5 periods of time during which the Board may not issue a new alcoholic beverages  
6 license for use on certain premises; establishing that the prohibition against the  
7 Board issuing a new alcoholic beverages license during certain times for use on  
8 certain premises does not apply under certain circumstances; altering in Kent  
9 County the time that certain licensees may open on a Sunday; requiring in Kent  
10 County that certain persons be certified by an approved alcohol awareness  
11 program and be present during certain hours; making technical changes;  
12 providing for a delayed effective date for certain provisions of this Act; and  
13 generally relating to alcoholic beverages licensees in Kent County.

14 BY repealing and reenacting, with amendments,  
15 Article 2B - Alcoholic Beverages  
16 Section 6-705, 11-515, 11-515.1(a)(2) and (3), and 13-101(c)(3)  
17 Annotated Code of Maryland  
18 (1998 Replacement Volume and 1999 Supplement)

19 BY adding to  
20 Article 2B - Alcoholic Beverages  
21 Section 10-208(j)  
22 Annotated Code of Maryland  
23 (1998 Replacement Volume and 1999 Supplement)

24 BY repealing and reenacting, without amendments,  
25 Article 2B - Alcoholic Beverages  
26 Section 10-208(a), 11-515.1(a)(1), and 13-101(c)(1)  
27 Annotated Code of Maryland  
28 (1998 Replacement Volume and 1999 Supplement)

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

3 **Article 2B - Alcoholic Beverages**

4 6-705.

5 (a) This section applies only in Kent County.

6 (b) The annual license fee is \$100.

7 (c) The Board of License Commissioners may issue a caterer's license to a  
8 holder of [a]:

9 (1) A Class B restaurant or hotel (on-sale) beer, wine and liquor license;  
10 OR

11 (2) A CLASS B RESTAURANT OR HOTEL BEER AND LIGHT WINE LICENSE.

12 (d) A caterer's license issued under this section authorizes the holder to  
13 provide alcoholic beverages at events that are held off the Class B restaurant or hotel  
14 (on-sale) beer, wine and liquor license OR THE CLASS B RESTAURANT OR HOTEL BEER  
15 AND LIGHT WINE LICENSE premises.

16 (e) The holder shall provide food as well as alcoholic beverages for  
17 consumption at the catered event.

18 (f) A holder may exercise the privileges under this license only during the  
19 hours and days that are permitted in this article for a Class B restaurant or hotel  
20 (on-sale) beer, wine and liquor license OR A CLASS B RESTAURANT OR HOTEL BEER  
21 AND LIGHT WINE LICENSE.

22 (g) This section does not require a holder of an existing Class B (on-sale) beer,  
23 wine and liquor license OR AN EXISTING CLASS B RESTAURANT OR HOTEL BEER AND  
24 LIGHT WINE LICENSE to have a caterer's license for catering on the premises that is  
25 covered by the existing license.

26 10-208.

27 (a) (1) If a license is refused, except as provided in this section, other  
28 applications may not be considered from the applicant or for the premises, as the case  
29 may be, for a period of six months. If a subsequent application by the same applicant  
30 or for the same premises is refused within the two-year period immediately following  
31 the date of the first refusal, then other applications may not be considered from the  
32 applicant or for the premises, as the case may be, until the two-year period has  
33 elapsed.

34 (2) This section does not hold against:

1 (i) An applicant where a license was refused on the grounds it was  
 2 not necessary for the accommodation of the public or because the premises were not  
 3 suitable to the sale of alcoholic beverages under the license applied for; or

4 (ii) The premises set forth in an application when the license  
 5 applied for was refused because the applicant personally was determined not to be a  
 6 proper person to be issued the license applied for. In Charles County, the limitations  
 7 of this section are not applicable to the refusal of a license on the grounds the license  
 8 was not necessary for the accommodation of the public, because the premises were not  
 9 suitable for sales of alcoholic beverages under the license applied for, or to the refusal  
 10 of a license because the applicant was determined not to be a proper licensee.

11 (J) (1) IN KENT COUNTY:

12 (I) IF AN APPLICATION FOR A LICENSE IS REFUSED, THEN THE  
 13 BOARD MAY NOT ISSUE AN ALCOHOLIC BEVERAGES LICENSE FOR THE SAME  
 14 PREMISES UNTIL A CALENDAR YEAR EXPIRES FROM THE DATE OF REFUSAL; AND

15 (II) IF A SUBSEQUENT APPLICATION FOR THE SAME PREMISES IS  
 16 REFUSED, THEN THE BOARD MAY NOT ISSUE AN ALCOHOLIC BEVERAGES LICENSE  
 17 FOR THE SAME PREMISES UNTIL 2 YEARS EXPIRE FROM THE DATE OF THE SECOND  
 18 REFUSAL.

19 (2) THIS SUBSECTION DOES NOT APPLY TO APPLICATIONS:

20 (I) THAT ARE REJECTED BECAUSE OF A LEGAL DEFECT OR AN  
 21 OMISSION;

22 (II) THAT ARE REFUSED SOLELY AND EXPRESSLY BECAUSE THE  
 23 PRIOR APPLICANT PERSONALLY WAS DETERMINED NOT TO BE A PROPER PERSON TO  
 24 WHOM THE LICENSE APPLIED FOR SHOULD BE ISSUED; OR

25 (III) THAT ARE FOR LICENSE TRANSFERS.

26 11-515.

27 (a) This section applies only in Kent County.

28 (b) This section does not apply to any special or temporary license issued  
 29 under § 7-101 of this article.

30 (c) Any class of retail on- or off-sale alcoholic beverages license issued by the  
 31 Board of License Commissioners authorizes the holder to sell alcoholic beverages:

32 (1) On Monday through Friday from 6 a.m. to 2 a.m. the following day;

33 (2) On Saturday from 6 a.m. to 1 a.m. the following day; and

34 (3) On Sunday:

35 (i) For a Class A license, from 9 a.m. to 2 a.m. the following day;

1 (ii) For a Class B license, from [12 noon] 9 A.M. to 12 midnight  
2 (off-sale for beer and wine only);

3 (iii) For a Class C license, from [11 a.m.] 9 A.M. to 12 midnight; or

4 (iv) For a Class D license, from 9 a.m. to 2 a.m. (off-sale for beer  
5 and wine only).

6 11-515.1.

7 (a) (1) In Kent County, the Board of License Commissioners may grant a  
8 special Sunday (on-sale) beer, wine and liquor license privilege.

9 (2) This license privilege may be granted only to a holder of a Class B  
10 (on-sale) beer, wine and liquor license for use on the premises that qualify as a  
11 restaurant under § [11-515] 6-201(P) of this article.

12 (3) This license privilege authorizes the holder to serve beer, wine and  
13 liquor on the restaurant premises on Sundays from 12 noon to 12 midnight without  
14 being subject to the meal and seating restrictions provided under § [11-515] 6-201(P)  
15 of this article.

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

18

#### **Article 2B - Alcoholic Beverages**

19 13-101.

20 (c) (1) A holder of any class of retail alcoholic beverages license or an  
21 employee designated by the holder shall complete training in an approved alcohol  
22 awareness program. The training shall be valid for a period of 4 years, and the holder  
23 shall complete retraining in an approved program for each successive 4-year period.

24 (3) (i) This paragraph applies only in Harford [County] AND KENT  
25 COUNTIES.

26 (ii) The licensee or a person who is employed in a supervisory  
27 capacity designated by the licensee shall be certified by an approved alcohol  
28 awareness program and shall be present during the hours in which alcohol may be  
29 sold.

30 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
31 take effect July 1, 2001.

32 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in  
33 Section 3 of this Act, this Act shall take effect October 1, 2000.