

SENATE BILL 390
EMERGENCY BILL

Unofficial Copy
A2

2001 Regular Session
(11r1704)

ENROLLED BILL
-- Economic and Environmental Affairs/Economic Matters --

Introduced by **Senator Astle**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **City of Annapolis - Alcoholic Beverages - ~~Beer and~~ Wine Festival License**

3 FOR the purpose of authorizing in the City of Annapolis the Alcoholic Beverage
4 Control Board to issue a special festival (~~ABWF~~) (AWF) license for ~~beer and~~ wine
5 festivals; establishing certain requirements for license applicants and for
6 holders of special festival licenses; establishing the scope of the license; placing
7 certain restrictions on the way ~~beer and~~ wine ~~are~~ is sold and displayed;
8 establishing the time and location of and other requirements for ~~beer and~~ wine
9 festivals; authorizing certain agreements between holders of certain licenses;
10 defining a certain term; making this Act an emergency measure; providing for
11 the termination of this Act; and generally relating to ~~beer and~~ wine festivals in
12 the City of Annapolis.

13 BY adding to
14 Article 2B - Alcoholic Beverages
15 Section 8-301.1
16 Annotated Code of Maryland

1 (1998 Replacement Volume and 2000 Supplement)

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

4 **Article 2B - Alcoholic Beverages**

5 8-301.1.

6 (A) IN THIS SECTION, "FESTIVAL" MEANS THE CITY OF ANNAPOLIS ~~BEER AND~~
7 WINE FESTIVAL.

8 (B) THIS SECTION APPLIES ONLY IN THE CITY OF ANNAPOLIS.

9 (C) THE ALCOHOLIC BEVERAGE CONTROL BOARD MAY ISSUE A SPECIAL
10 FESTIVAL ~~(ABWF)~~ (AWF) LICENSE.

11 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN
12 APPLICANT FOR A SPECIAL FESTIVAL LICENSE SHALL BE A HOLDER OF AN EXISTING
13 STATE RETAIL ALCOHOLIC BEVERAGES LICENSE, STATE CLASS 3 WINERY LICENSE,
14 OR STATE CLASS 4 LIMITED WINERY LICENSE ISSUED UNDER THIS ARTICLE.

15 (E) A SPECIAL FESTIVAL LICENSEE SHALL:

16 ~~(1)~~ ONLY DISPLAY AND SELL:

17 ~~(1)~~ WINE ;

18 (1) THAT IS:

19 ~~1.~~ (I) MANUFACTURED AND PROCESSED IN ANY STATE;

20 ~~2.~~ (II) PRICE FILED IN ACCORDANCE WITH REGULATIONS
21 ADOPTED BY THE COMPTROLLER; AND

22 ~~3.~~ (III) DISTRIBUTED IN THE STATE AT THE TIME THE
23 APPLICATION IS FILED; ~~AND~~

24 ~~(II)~~ ~~BEER THAT IS BREWED BY A BREWER:~~

25 ~~1.~~ ~~WHO BREWS LESS THAN 60,000 BARRELS OF BEER~~
26 ~~ANNUALLY; AND~~

27 ~~2.~~ ~~WHOSE PRODUCT IS DISTRIBUTED IN THE STATE AT THE~~
28 ~~TIME THE APPLICATION IS FILED;~~

29 (2) ~~DISPLAY AND SELL BEER AND WINE~~ AT RETAIL FOR CONSUMPTION
30 ON OR OFF THE LICENSED PREMISES ON THE DAYS AND FOR THE HOURS
31 DESIGNATED FOR THE FESTIVAL; AND

1 (3) ~~DISPLAY AND SELL WINE~~ THAT IS MANUFACTURED AND PROCESSED
 2 IN ANY STATE AT RETAIL FOR CONSUMPTION OFF THE LICENSED PREMISES ON THE
 3 DAYS AND FOR THE HOURS DESIGNATED FOR THE FESTIVAL.

4 (F) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A SPECIAL FESTIVAL
 5 LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A
 6 DIFFERENT CLASS OR NATURE.

7 (G) THE ALCOHOLIC BEVERAGE CONTROL BOARD:

8 (1) MAY ESTABLISH THE LICENSE FEE;

9 (2) MAY SELECT ONE WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE,
 10 ANNUALLY FOR THE FESTIVAL PROVIDED THAT THE WEEKEND THAT IS SELECTED
 11 DOES NOT OCCUR WITHIN 14 DAYS ON EITHER SIDE OF THE MARYLAND WINE
 12 FESTIVAL;

13 (3) SHALL CHOOSE A LOCATION IN THE CITY OF ANNAPOLIS FOR THIS
 14 FESTIVAL THAT IS NOT LICENSED UNDER THIS ARTICLE; AND

15 (4) SHALL ASSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE
 16 PROMOTION OF MARYLAND ~~BEER AND~~ WINE.

17 (H) (1) PRODUCTS DISPLAYED AND SOLD SHALL BE:

18 (I) INVOICED TO THE FESTIVAL LICENSE HOLDER BY A LICENSED
 19 STATE WHOLESALER, WINERY, OR LIMITED WINERY; AND

20 (II) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES
 21 OF THE WHOLESALER, WINERY, OR LIMITED WINERY.

22 (2) WHENEVER A SPECIAL FESTIVAL LICENSE IS ISSUED UNDER THIS
 23 SECTION, HOLDERS OF WHOLESALE, WINERY, OR LIMITED WINERY LICENSES MAY
 24 ENTER INTO AN AGREEMENT WITH THE HOLDER OF A SPECIAL FESTIVAL LICENSE
 25 TO DELIVER ~~BEER AND~~ WINE 2 DAYS PRIOR TO THE EFFECTIVE DATE, AND TO
 26 ACCEPT RETURNS 2 DAYS AFTER THE EXPIRATION DATE, OF THE SPECIAL FESTIVAL
 27 LICENSE.

28 (I) THE ALCOHOLIC BEVERAGE CONTROL BOARD SHALL ADOPT
 29 REGULATIONS FOR CARRYING OUT THIS SECTION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~
 31 June 1, 2001 is an emergency measure, is necessary for the immediate preservation of
 32 the public health and safety, has been passed by a ye and nay vote supported by
 33 three-fifths of all the members elected to each of the two Houses of the General
 34 Assembly, and shall take effect from the date it is enacted. It shall remain effective for
 35 a period of 2 years from June 1, 2001 and, at the end of May 31, 2003 the 2-year
 36 period, with no further action required by the General Assembly, this Act shall be
 37 abrogated and of no further force and effect.

