

SENATE BILL 390

Unofficial Copy
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2001 Regular Session
1r1704
CF 1r2528

By: **Senator Astle**

Introduced and read first time: February 2, 2001

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

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) 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 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; and generally relating to beer and wine festivals in the
11 City of Annapolis.

12 BY adding to
13 Article 2B - Alcoholic Beverages
14 Section 8-301.1
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2000 Supplement)

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

19 **Article 2B - Alcoholic Beverages**

20 8-301.1.

21 (A) IN THIS SECTION, "FESTIVAL" MEANS THE CITY OF ANNAPOLIS BEER AND
22 WINE FESTIVAL.

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

24 (C) THE ALCOHOLIC BEVERAGE CONTROL BOARD MAY ISSUE A SPECIAL
25 FESTIVAL (ABWF) LICENSE.

26 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN
27 APPLICANT FOR A SPECIAL FESTIVAL LICENSE SHALL BE A HOLDER OF AN EXISTING

1 STATE RETAIL ALCOHOLIC BEVERAGES LICENSE, STATE CLASS 3 WINERY LICENSE,
2 OR STATE CLASS 4 LIMITED WINERY LICENSE ISSUED UNDER THIS ARTICLE.

3 (E) A SPECIAL FESTIVAL LICENSEE SHALL:

4 (1) ONLY DISPLAY AND SELL:

5 (I) WINE THAT IS:

6 1. MANUFACTURED AND PROCESSED IN ANY STATE;

7 2. PRICE FILED IN ACCORDANCE WITH REGULATIONS
8 ADOPTED BY THE COMPTROLLER; AND

9 3. DISTRIBUTED IN THE STATE AT THE TIME THE
10 APPLICATION IS FILED; AND

11 (II) BEER THAT IS BREWED BY A BREWER:

12 1. WHO BREWS LESS THAN 60,000 BARRELS OF BEER
13 ANNUALLY; AND

14 2. WHOSE PRODUCT IS DISTRIBUTED IN THE STATE AT THE
15 TIME THE APPLICATION IS FILED;

16 (2) DISPLAY AND SELL BEER AND WINE AT RETAIL FOR CONSUMPTION
17 ON OR OFF THE LICENSED PREMISES ON THE DAYS AND FOR THE HOURS
18 DESIGNATED FOR THE FESTIVAL; AND

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

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

25 (G) THE ALCOHOLIC BEVERAGE CONTROL BOARD:

26 (1) MAY ESTABLISH THE LICENSE FEE;

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

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

33 (4) SHALL ASSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE
34 PROMOTION OF MARYLAND BEER AND WINE.

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

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

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

6 (2) WHENEVER A SPECIAL FESTIVAL LICENSE IS ISSUED UNDER THIS
7 SECTION, HOLDERS OF WHOLESALE, WINERY, OR LIMITED WINERY LICENSES MAY
8 ENTER INTO AN AGREEMENT WITH THE HOLDER OF A SPECIAL FESTIVAL LICENSE
9 TO DELIVER BEER AND WINE 2 DAYS PRIOR TO THE EFFECTIVE DATE, AND TO
10 ACCEPT RETURNS 2 DAYS AFTER THE EXPIRATION DATE, OF THE SPECIAL FESTIVAL
11 LICENSE.

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 June 1, 2001.