

**SENATE BILL 390**  
**EMERGENCY BILL**

Unofficial Copy  
A2

2001 Regular Session  
11r1704  
CF 11r2528

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By: **Senator Astle**

Introduced and read first time: February 2, 2001

Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2001

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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  
17 (1998 Replacement Volume and 2000 Supplement)

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

20 **Article 2B - Alcoholic Beverages**

21 8-301.1.

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

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

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

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

8 (E) A SPECIAL FESTIVAL LICENSEE SHALL:

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

10 ~~(1)~~ WINE ;

11 (1) THAT IS:

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

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

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

17 ~~(H)~~ ~~BEER THAT IS BREWED BY A BREWER:~~

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

20 ~~2.~~ ~~WHOSE PRODUCT IS DISTRIBUTED IN THE STATE AT THE~~  
21 ~~TIME THE APPLICATION IS FILED;~~

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

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

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

31 (G) THE ALCOHOLIC BEVERAGE CONTROL BOARD:

32 (1) MAY ESTABLISH THE LICENSE FEE;

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

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

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

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

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

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

14 (2) WHENEVER A SPECIAL FESTIVAL LICENSE IS ISSUED UNDER THIS  
15 SECTION, HOLDERS OF WHOLESALE, WINERY, OR LIMITED WINERY LICENSES MAY  
16 ENTER INTO AN AGREEMENT WITH THE HOLDER OF A SPECIAL FESTIVAL LICENSE  
17 TO DELIVER ~~BEER AND~~ WINE 2 DAYS PRIOR TO THE EFFECTIVE DATE, AND TO  
18 ACCEPT RETURNS 2 DAYS AFTER THE EXPIRATION DATE, OF THE SPECIAL FESTIVAL  
19 LICENSE.

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

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