

HOUSE BILL 126

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A2

2003 Regular Session
3r1086
CF 3r1821

By: **Delegates Cane, Bozman, Conway, Eckardt, Elmore, and Schisler**
Introduced and read first time: January 24, 2003
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 11, 2003

CHAPTER _____

1 AN ACT concerning

2 **Wicomico County - Alcoholic Beverages - Licenses, Sales, and Wine Festival**

3 FOR the purpose of repealing a certain requirement for a certain alcoholic beverages
4 license for conference centers in Wicomico County; increasing a certain annual
5 alcoholic beverages license fee in the county; altering the term of an alcoholic
6 beverages license in the county; repealing the prohibition on Sunday sales of
7 certain alcoholic beverages in the county; establishing a special WCWF license
8 for the sale of wine at the Wicomico County Wine Festival; establishing certain
9 licensing requirements; requiring certain license holders to display and sell
10 certain wine; establishing a license fee; requiring the Wicomico Board of License
11 Commissioners to set the date and location of the Festival; requiring the Board
12 to assure that the primary focus of the Festival is the promotion of Maryland
13 wine; establishing certain requirements concerning the delivery of products
14 displayed and sold at the Festival; requiring the Board to adopt certain
15 regulations; defining certain terms; and generally relating to alcoholic
16 beverages in Wicomico County.

17 BY repealing and reenacting, without amendments,
18 Article 2B - Alcoholic Beverages
19 Section 6-201(x)(1)
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2002 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article 2B - Alcoholic Beverages
24 Section 6-201(x)(3), 6-401(x), and 11-523(c)(3), (4), and (6)
25 Annotated Code of Maryland

1 (2001 Replacement Volume and 2002 Supplement)

2 BY adding to

3 Article 2B - Alcoholic Beverages

4 Section 8-313.1

5 Annotated Code of Maryland

6 (2001 Replacement Volume and 2002 Supplement)

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

9 **Article 2B - Alcoholic Beverages**

10 6-201.

11 (x) (1) This subsection applies only in Wicomico County.

12 (3) (i) There is a Class B-Conference Center license.

13 (ii) The annual license fee is \$1,100.

14 (iii) The conference center shall have a minimum capacity of 500
15 persons and the following facilities:

16 1. Kitchen;

17 2. Dining; and

18 3. Meeting space.

19 (iv) Licensees may sell beer, wine and liquor for on-premises
20 consumption to persons attending an event at the conference center.

21 (v) An existing Class B license may be amended to one for
22 conference center use.

23 [(vi) To be eligible for a license, the conference center shall be located
24 west of Maryland Route 13 and north of the city limits of Salisbury.]

25 6-401.

26 (x) (1) This subsection applies only in Wicomico County.

27 (2) The annual license fee is [\$1,925] \$2,200.

28 (3) Any license issued under the provisions of this section is for [6] 7
29 days.

30 (4) In order to qualify for a license under the provisions of this section
31 the premises that is the subject of the application shall have a minimum seating

1 capacity of 140 persons, not including the bar area or dancing floor area, and shall
2 meet the minimum requirements of the fire code applicable to the jurisdiction in
3 which the premises is located.

4 (5) Alcoholic beverages sold under the provisions of this section shall be
5 consumed on the premises only.

6 (6) A person may not be on the premises who is under the legal age for
7 the consumption of beer and light wine in this State.

8 (7) All alcoholic beverages other than beer and light wine shall be
9 purchased from the Liquor Control Board for Wicomico County and shall be charged
10 not more than 15 percent above the wholesale cost to the dispensary.

11 8-313.1.

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (2) "BOARD" MEANS THE WICOMICO COUNTY BOARD OF LICENSE
15 COMMISSIONERS.

16 (3) "FESTIVAL" MEANS THE WICOMICO COUNTY WINE FESTIVAL.

17 (B) THIS SECTION APPLIES ONLY IN WICOMICO COUNTY.

18 (C) THE BOARD MAY ISSUE A SPECIAL WCWF LICENSE.

19 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, TO BE
20 ELIGIBLE FOR A SPECIAL WCWF LICENSE AN APPLICANT MUST BE A HOLDER OF AN
21 EXISTING STATE RETAIL ALCOHOLIC BEVERAGES LICENSE, A STATE CLASS 3 WINERY
22 LICENSE, OR A STATE CLASS 4 LIMITED WINERY LICENSE.

23 (E) A HOLDER OF A SPECIAL WCWF LICENSE SHALL:

24 (1) DISPLAY AND SELL WINE THAT IS:

25 (I) MANUFACTURED AND PROCESSED IN ANY STATE;

26 (II) PRICE FILED IN ACCORDANCE WITH REGULATIONS ADOPTED
27 BY THE COMPTROLLER; AND

28 (III) DISTRIBUTED IN THE STATE AT THE TIME THE APPLICATION IS
29 ~~FILED~~ FILED; AND

30 (2) DISPLAY AND SELL WINE AT RETAIL FOR CONSUMPTION ON OR OFF
31 THE LICENSED PREMISES ON THE DAYS AND FOR THE HOURS DESIGNATED FOR THE
32 FESTIVAL.

1 (F) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A SPECIAL WCWF
2 LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A
3 DIFFERENT CLASS OR NATURE.

4 (G) THE SPECIAL WCWF LICENSE FEE IS \$25 PER DAY.

5 (H) (1) THE BOARD SHALL CHOOSE:

6 (I) ONE WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE,
7 ANNUALLY FOR THE FESTIVAL; AND

8 (II) A LOCATION FOR THE FESTIVAL THAT IS IN THE COUNTY BUT
9 THAT IS NOT LICENSED CURRENTLY UNDER THIS ARTICLE.

10 (2) THE BOARD SHALL ASSURE THAT THE PRIMARY FOCUS OF THE
11 FESTIVAL IS THE PROMOTION OF MARYLAND WINE.

12 (I) (1) PRODUCTS DISPLAYED AND SOLD AT THE FESTIVAL SHALL BE:

13 (I) INVOICED TO THE HOLDER OF THE SPECIAL WCWF LICENSE BY
14 A LICENSED STATE WHOLESALER, WINERY, OR LIMITED WINERY; AND

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

17 (2) WHENEVER A SPECIAL WCWF LICENSE IS ISSUED, A HOLDER OF A
18 WHOLESALE, WINERY, OR LIMITED WINERY LICENSE MAY ENTER INTO AN
19 AGREEMENT WITH THE HOLDER OF A SPECIAL WCWF LICENSE TO DELIVER WINE 2
20 DAYS BEFORE THE EFFECTIVE DATE OF THE SPECIAL WCWF LICENSE AND TO
21 ACCEPT RETURNS 2 DAYS AFTER THE EXPIRATION DATE OF THE SPECIAL WCWF
22 LICENSE.

23 (J) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

24 11-523.

25 (c) The days and hours for the sale of alcoholic beverages are:

26 (3) For a Class B hotel and restaurant beer license:

27 (i) On-sale:

28 1. Monday through Saturday from 6 a.m. to 2 a.m. the
29 following day; and

30 2. Sunday from 12:30 p.m. to 12 midnight, provided that the
31 sale of alcoholic beverages on Sunday is only permitted for consumption by patrons
32 who are seated on the premises; and

33 (ii) Off-sale[:

