
By: **Montgomery County Delegation**

Introduced and read first time: February 1, 2005

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2005

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County - Beer and Wine Festival**
 3 **MC 504-05**

4 FOR the purpose of authorizing Montgomery County to conduct a ~~beer and~~ wine
 5 festival not more than a certain number of times each year under the
 6 supervision of the Montgomery County Department of Liquor Control;
 7 specifying that a festival organization select the weekends during which the
 8 festival will be conducted; authorizing a festival organization to contract with
 9 holders of certain alcoholic beverages licenses to sell and display ~~beer or~~ wine at
 10 the festival; specifying certain conditions under which wine ~~and beer~~ may be
 11 displayed and sold on or off the festival premises at certain times; requiring a
 12 festival organization to choose the festival location and assure that the primary
 13 focus of the festival is the promotion of Montgomery County; requiring that a
 14 person hold a special festival license and contract with the festival organization
 15 before selling, offering for sale, or displaying ~~beer or~~ wine at a festival;
 16 ~~authorizing the County Board of License Commissioners to establish~~
 17 establishing a license fee; allowing certain persons to hold a special festival
 18 license in addition to another license; providing for certain penalties; requiring
 19 certain license fees to be deposited into the general fund of the County; requiring
 20 the Montgomery County Board of License Commissioners to adopt certain
 21 regulations; defining certain terms; and generally relating to a ~~beer and~~ wine
 22 festival in Montgomery County.

23 BY adding to

24 Article 2B - Alcoholic Beverages

25 Section 8-310.1

1 Annotated Code of Maryland
2 (2001 Replacement Volume and 2004 Supplement)

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

5 **Article 2B - Alcoholic Beverages**

6 8-310.1.

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (2) "BOARD" MEANS THE MONTGOMERY COUNTY BOARD OF LICENSE
10 COMMISSIONERS.

11 (3) "FESTIVAL" MEANS THE MONTGOMERY COUNTY ~~BEER AND WINE~~
12 FESTIVAL.

13 (4) "FESTIVAL ORGANIZATION" MEANS A NONPROFIT ORGANIZATION
14 THAT IS SELECTED BY MONTGOMERY COUNTY TO ORGANIZE THE FESTIVAL AND
15 THAT HAS EXTENSIVE EXPERIENCE IN ORGANIZING AND MANAGING LARGE-SCALE
16 PUBLIC EVENTS.

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

18 (C) UNDER THE SUPERVISION OF THE MONTGOMERY COUNTY DEPARTMENT
19 OF LIQUOR CONTROL, THE COUNTY EACH YEAR MAY CONDUCT THE MONTGOMERY
20 COUNTY ~~BEER AND WINE~~ FESTIVAL ON NOT MORE THAN 4 WEEKENDS THAT A
21 FESTIVAL ORGANIZATION SELECTS.

22 (D) A FESTIVAL ORGANIZATION MAY CONTRACT WITH HOLDERS OF A
23 MONTGOMERY COUNTY RETAIL ALCOHOLIC BEVERAGE LICENSE, ~~A STATE CLASS 5~~
24 ~~MANUFACTURER'S LICENSE, A STATE CLASS 6 PUB BREWERY LICENSE, A STATE~~
25 ~~CLASS 7 MICRO BREWERY (ON AND OFF SALE) LICENSE, A STATE CLASS 3 WINERY~~
26 LICENSE, OR A STATE CLASS 4 LIMITED WINERY LICENSE TO SELL AND DISPLAY
27 ~~BEER OR WINE~~ AT THE FESTIVAL.

28 (E) (1) A FESTIVAL ORGANIZATION, THROUGH CONTRACTORS WHO HOLD A
29 SPECIAL FESTIVAL LICENSE ISSUED UNDER SUBSECTION (G) OF THIS SECTION, MAY
30 DISPLAY AND SELL:

31 (i) WINE THAT IS PRICE FILED IN ACCORDANCE WITH
32 REGULATIONS ADOPTED BY THE STATE COMPTROLLER AND DISTRIBUTED IN THE
33 STATE; ~~AND~~

34 (ii) ~~BEER THAT IS BREWED BY A BREWER WHOSE PRODUCT IS~~
35 ~~DISTRIBUTED IN THE STATE.~~

1 (2) ~~BEER AND~~ WINE MAY BE DISPLAYED AND SOLD AT RETAIL FOR
2 CONSUMPTION ON OR OFF THE PREMISES ON THE DAYS AND FOR THE HOURS
3 DESIGNATED FOR THE FESTIVAL.

4 (F) A FESTIVAL ORGANIZATION:

5 (1) SHALL CHOOSE FOR THE FESTIVAL A LOCATION THAT IS A LICENSED
6 OR AN UNLICENSED PREMISES IN THE COUNTY; AND

7 (2) SHALL ASSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE
8 PROMOTION OF MONTGOMERY COUNTY.

9 (G) (1) BEFORE A PERSON MAY SELL, OFFER FOR SALE, OR DISPLAY ~~BEER~~
10 ~~OR~~ WINE AT A FESTIVAL, THE PERSON MUST CONTRACT WITH THE FESTIVAL
11 ORGANIZATION AND OBTAIN A SPECIAL FESTIVAL LICENSE FROM THE BOARD.

12 (2) ~~THE BOARD MAY ESTABLISH A LICENSE FEE.~~

13 (2) THE LICENSE FEE IS \$30 FOR EACH DAY OF THE FESTIVAL.

14 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON MAY
15 HOLD A SPECIAL FESTIVAL LICENSE IN ADDITION TO ANOTHER LICENSE ISSUED
16 UNDER THIS ARTICLE.

17 (4) THE BOARD MAY DENY A SPECIAL FESTIVAL LICENSE TO ANY
18 APPLICANT, SUSPEND OR REVOKE A SPECIAL FESTIVAL LICENSE, OR IMPOSE A FINE
19 NOT EXCEEDING \$20,000 IF THE APPLICANT OR LICENSE HOLDER VIOLATES A
20 PROVISION OF THIS ARTICLE OR THE REGULATIONS OF THE BOARD.

21 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL LICENSE
22 FEES COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED INTO THE
23 GENERAL FUND OF THE COUNTY.

24 (H) THE BOARD SHALL ADOPT REGULATIONS FOR IMPLEMENTING THIS
25 SECTION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 June 1, 2005.