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By: **Senator Colburn**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Wicomico County - Alcoholic Beverages - Food Sales Requirement for Class**  
3                                   **B Licenses**

4 FOR the purpose of requiring holders of certain types of Class B licenses in Wicomico  
5 County to meet a certain requirement regarding the average daily receipts from  
6 the sale of food for each month; specifying that certain foodstuff may not be  
7 included when calculating receipts from food; making certain stylistic changes;  
8 and generally relating to Class B licenses in Wicomico County.

9 BY repealing and reenacting, without amendments,  
10 Article 2B - Alcoholic Beverages  
11 Section 3-201(a), 5-201(a), and 6-201(x)(1) and (2)(i)  
12 Annotated Code of Maryland  
13 (2005 Replacement Volume)

14 BY repealing and reenacting, with amendments,  
15 Article 2B - Alcoholic Beverages  
16 Section 3-201(x), 5-201(x), 6-201(x)(2)(iv)1.D., 8-223, and 8-506  
17 Annotated Code of Maryland  
18 (2005 Replacement Volume)

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

21                                   **Article 2B - Alcoholic Beverages**

22 3-201.

23       (a)       (1)       A Class B license shall be issued by the license issuing authority of  
24 the county in which the place of business is located. The holder of the license may  
25 keep for sale and sell beer at retail at any hotel or restaurant at the place described in  
26 the license for consumption on the premises or elsewhere.

27                   (2)       The annual fee for the license shall be paid to the local collecting  
28 agent before any license is issued, for distribution as provided.

1 (x) (1) In Wicomico County the annual license fee is \$275.

2 (2) (I) THIS LICENSE MAY BE ISSUED ONLY FOR A HOTEL OR  
3 RESTAURANT THAT HAS THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD  
4 FOR EACH MONTH EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF  
5 ALCOHOLIC BEVERAGES.

6 (II) IN CALCULATING AVERAGE DAILY RECEIPTS FROM THE SALE  
7 OF FOOD, AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK MAY NOT  
8 BE INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.

9 5-201.

10 (a) (1) A Class B beer and light wine license shall be issued by the license  
11 issuing authority of the county in which the place of business is located. The holder  
12 may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at  
13 the place described in the license, for consumption on the premises or elsewhere.

14 (2) The annual fee shall be paid to the local collecting agent before any  
15 license is issued.

16 (x) (1) In Wicomico County the annual license fee is \$400.

17 (2) (I) THIS LICENSE MAY BE ISSUED ONLY FOR A HOTEL OR  
18 RESTAURANT THAT HAS THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD  
19 FOR EACH MONTH EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF  
20 ALCOHOLIC BEVERAGES.

21 (II) IN CALCULATING AVERAGE DAILY RECEIPTS FROM THE SALE  
22 OF FOOD, AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK MAY NOT  
23 BE INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.

24 6-201.

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

26 (2) (i) This paragraph applies solely to hotel and restaurant licenses.

27 (iv) 1. This license may be issued ONLY to a restaurant [which]  
28 THAT:

29 D. Has the average daily receipts from the sale of [foods]  
30 FOOD for each month exceed the average daily receipts from the sale of alcoholic  
31 beverages. In calculating average daily receipts from the sale of [foods, no] FOOD, AN  
32 allocation of foodstuff contained in any mixed drink may NOT be included in average  
33 daily receipts from the sale of food.

34 8-223.

35 (a) This section applies only in Wicomico County.

1 (b) The Board of License Commissioners may issue a CLASS B [stadium] beer  
2 and light wine on-sale (STADIUM) license to the owner of any professional baseball  
3 team franchise, whether the franchise is a partnership or a corporation.

4 (c) The license authorizes the holder to sell beer and, if sold with meals, light  
5 wine at the stadium:

6 (1) For consumption only on the licensed premises;

7 (2) In plastic, [styrofoam,] STYROFOAM, or paper containers on the  
8 stadium premises, except that glass containers may be used in an enclosed dining  
9 premises in which the patrons are seated;

10 (3) To persons present:

11 (i) At the baseball game in which the licensee's team is playing; or

12 (ii) At other events that are held at the stadium; and

13 (4) During the hours and days for sale specified in § 11-523 of this  
14 article.

15 (d) The annual license fee is \$1,500.

16 (e) Except for a distributor of beer who is conducting business with the  
17 licensee for the purposes of this section, the licensee may not permit any person to  
18 carry any alcoholic beverages onto or from the licensed premises.

19 (F) (1) THIS LICENSE MAY BE ISSUED ONLY FOR A STADIUM THAT HAS THE  
20 AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FOR EACH MONTH EXCEED THE  
21 AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

22 (2) IN CALCULATING AVERAGE DAILY RECEIPTS FROM THE SALE OF  
23 FOOD, AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK MAY NOT BE  
24 INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.

25 8-506.

26 (a) This section applies only in Wicomico County.

27 (b) There is a Class [GC (golf course)] B beer, wine and liquor (GOLF COURSE)  
28 license.

29 (c) The license may be issued to a golf course or organization that:

30 (1) Is open to the public;

31 (2) Is operated for profit;

32 (3) Owns real estate in the county; and

1           (4)     Has a golf course with a minimum of 18 holes.

2           (d)     The annual license fee is \$2,200.

3           (e)     The licensee may sell beer, wine, and liquor for consumption only on the  
4 land and in the buildings, including the clubhouse, used for golfing purposes.

5           (f)     A patron need not be seated to be served.

6           (g)     All alcoholic beverages, other than beer and light wine, sold or offered for  
7 sale shall be purchased from the Liquor Control Board, and each bottle shall be  
8 stamped or otherwise designated "on-sale only" by the Board.

9           (h)     The hours and days for sale are as specified in § 11-523 of this article.

10          (I)     (1)     THIS LICENSE MAY BE ISSUED ONLY FOR A GOLF COURSE THAT HAS  
11 THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FOR EACH MONTH EXCEED  
12 THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

13                 (2)     IN CALCULATING AVERAGE DAILY RECEIPTS FROM THE SALE OF  
14 FOOD, AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK MAY NOT BE  
15 INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.

16          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2006.