

HOUSE BILL 203

A2

8lr1895
CF SB 157

By: **Delegates Cane, Conway, Eckardt, Elmore, and Haddaway**

Introduced and read first time: January 22, 2008

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2008

CHAPTER _____

1 AN ACT concerning

2 **Wicomico County – Alcoholic Beverages Act of 2008**

3 FOR the purpose of adding Wicomico County to the list of counties that authorize the
4 holder of a Class 6 pub–brewery license to sell malt beverages for off–premises
5 consumption in sealed refillable containers; adding Wicomico County to the list
6 of counties that are authorized to issue a Class 7 micro–brewery (on– and
7 off–sale) license; creating a Class B special wine license for the sale of wine for
8 consumption off the premises; specifying certain requirements for applicants for
9 and holders of the Class B special wine license; specifying a fee and hours of
10 sale; specifying a maximum alcohol content for wine sold under the Class B
11 special wine license; authorizing the Board of License Commissioners to adopt
12 certain regulations; authorizing the Board to issue a special Class C beer, beer
13 and wine, or beer, wine and liquor license; specifying the privileges, application
14 requirements, fee, days of use, and other requirements for holders of the special
15 Class C licenses; adding Wicomico County to the list of counties that, on the
16 death of a licensee, shall issue a new license under certain circumstances to the
17 surviving spouse, partners, or senior officer without the necessity of further
18 proceedings for the balance of the current license year; authorizing ~~a holder of a~~
19 ~~Class 6 pub–brewery license or a Class 7 micro–brewery license to have or hold~~
20 ~~a financial interest in certain retail alcoholic beverages licenses~~ the Board of
21 License Commissioners to issue a Class 6 pub–brewery license or a Class 7
22 micro–brewery license to a holder of not more than a certain number of Class B
23 beer, wine and liquor licenses under certain circumstances and subject to
24 certain conditions and limitations; and generally relating to alcoholic beverages
25 licenses in Wicomico County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
2 Article 2B – Alcoholic Beverages
3 Section 2–207(g), 2–208(b), 9–102(k), and 10–506(b)
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2007 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article 2B – Alcoholic Beverages
8 Section 2–208(a) and 6–201(x)(1)
9 Annotated Code of Maryland
10 (2005 Replacement Volume and 2007 Supplement)

11 BY adding to
12 Article 2B – Alcoholic Beverages
13 Section 6–201(x)(4), 7–101(w), and 12–104(e)(5)
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2007 Supplement)

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

18 **Article 2B – Alcoholic Beverages**

19 2–207.

20 (g) (1) This subsection applies only in the following jurisdictions:

21 (i) City of Annapolis;

22 (ii) Anne Arundel County;

23 (iii) Baltimore City;

24 (iv) Baltimore County;

25 (v) Calvert County;

26 (vi) Charles County;

27 (vii) Harford County;

28 (viii) Prince George’s County; [and]

29 (ix) Talbot County; **AND**

30 **(x) WICOMICO COUNTY.**

1 (2) The holder of a Class 6 pub–brewery license may sell malt
2 beverages for off–premises consumption in sealed refillable containers.

3 (3) The containers may be returned and at the time of refill shall be
4 sealed by the pub–brewery licensee.

5 (4) A holder of a Class 6 pub–brewery license may not sell malt
6 beverages to any retail alcoholic beverages licensee in this State for the purpose of a
7 subsequent sale or distribution of that malt beverage under the retail license.

8 2–208.

9 (a) There is a Class 7 micro–brewery (on– and off–sale) license.

10 (b) The license shall be issued:

11 (1) By the State Comptroller;

12 (2) Only in the following jurisdictions:

13 (i) Allegany County;

14 (ii) Baltimore City;

15 (iii) Baltimore County;

16 (iv) The City of Annapolis;

17 (v) Anne Arundel County;

18 (vi) Calvert County;

19 (vii) Carroll County;

20 (viii) Charles County;

21 (ix) Dorchester County;

22 (x) Frederick County;

23 (xi) Garrett County;

24 (xii) Harford County;

25 (xiii) Howard County;

26 (xiv) Montgomery County;

1 (xv) Prince George's County; [and]

2 (xvi) Talbot County; AND

3 **(XVII) WICOMICO COUNTY;**

4 (3) (i) Only to a holder of a Class B beer, wine and liquor (on-sale)
5 license that is issued for use on the premises of a restaurant located in a jurisdiction
6 listed in paragraph (2) of this subsection; or

7 (ii) To a holder of a Class D alcoholic beverages license that is
8 issued for use on the premises of the existing Class D license if the premises are
9 located in the 22nd Alcoholic Beverages District of Prince George's County; and

10 (4) In addition to item (3) of this subsection, in Montgomery County
11 only to a holder of a Class H beer and light wine license that is issued for use on the
12 premises of a restaurant located in the County.

13 6-201.

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

15 **(4) (I) THERE IS A CLASS B SPECIAL WINE (B-SWL)**
16 **(OFF-SALE) LICENSE.**

17 **(II) A HOLDER OF A LICENSE UNDER THIS PARAGRAPH MAY**
18 **SELL WINE FOR CONSUMPTION OFF THE LICENSED PREMISES.**

19 **(III) 1. THE BOARD OF LICENSE COMMISSIONERS MAY**
20 **ISSUE A LICENSE UNDER THIS PARAGRAPH ONLY TO A HOLDER OF A CLASS B**
21 **BEER, WINE AND LIQUOR (7-DAY) (ON-SALE) LICENSE THAT IS ISSUED FOR A**
22 **RESTAURANT.**

23 **2. THE TERM OF A LICENSE UNDER THIS**
24 **PARAGRAPH THAT IS ISSUED TO A SUCCESSFUL APPLICANT SHALL BE THE SAME**
25 **AS THAT OF THE CLASS B BEER, WINE AND LIQUOR LICENSE HELD BY THE**
26 **APPLICANT.**

27 **(IV) A HOLDER OF A LICENSE UNDER THIS PARAGRAPH AT A**
28 **MINIMUM SHALL OFFER FOR SALE 5 DAYS PER WEEK:**

29 **1. BREAKFAST AND LUNCH;**

30 **2. BREAKFAST AND DINNER; OR**

31 **3. LUNCH AND DINNER.**

1 (V) THE MEALS SHALL BE DESCRIBED IN A PRINTED MENU.

2 (VI) THE AREA USED FOR THE PREPARATION AND
3 CONSUMPTION OF FOOD AND BEVERAGES SHALL OCCUPY AT LEAST 80% OF THE
4 TOTAL SQUARE FOOT AREA OF THE LICENSED PREMISES.

5 (VII) AN APPLICANT FOR A LICENSE UNDER THIS
6 PARAGRAPH SHALL COMPLETE THE FORM THAT THE BOARD OF LICENSE
7 COMMISSIONERS PROVIDES.

8 (VIII) ADVERTISING, POSTING OF NOTICE, AND PUBLIC
9 HEARING REQUIREMENTS FOR A LICENSE UNDER THIS PARAGRAPH ARE THE
10 SAME AS THOSE FOR OTHER CLASS B LICENSES.

11 (IX) THE ANNUAL LICENSE FEE IS \$1,500.

12 (X) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS SHALL BE
13 INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE
14 OF ALCOHOLIC BEVERAGES UNDER PARAGRAPH (2)(IV)1D OF THIS
15 SUBSECTION.

16 (XI) SUBJECT TO SUBPARAGRAPH (XII) OF THIS
17 PARAGRAPH, THE HOURS FOR SALE FOR A LICENSE UNDER THIS PARAGRAPH
18 ARE:

19 1. 10 A.M. TO MIDNIGHT, MONDAY THROUGH
20 SATURDAY; AND

21 2. 12:30 P.M. TO MIDNIGHT ON SUNDAY.

22 (XII) A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF
23 A LICENSE UNDER THIS PARAGRAPH ONLY IF THE LICENSED PREMISES IS OPEN
24 FOR BUSINESS AS A RESTAURANT.

25 (XIII) WINE SOLD UNDER A LICENSE UNDER THIS PARAGRAPH
26 SHALL HAVE A MAXIMUM ALCOHOL CONTENT OF 15.5%.

27 (XIV) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT
28 REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING A LIMIT ON THE
29 NUMBER OF LICENSES TO BE ISSUED.

30 7-101.

31 (W) (1) THIS SUBSECTION APPLIES ONLY IN WICOMICO COUNTY.

1 (2) (I) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A
2 SPECIAL CLASS C BEER, BEER AND WINE, OR BEER, WINE AND LIQUOR LICENSE.

3 (II) A SPECIAL LICENSE ENTITLES THE HOLDER TO
4 EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THAT CLASS OF LICENSE AT
5 A BONA FIDE ENTERTAINMENT EVENT HELD BY A FIRE DEPARTMENT IN THE
6 COUNTY.

7 (3) AN APPLICANT FOR A SPECIAL LICENSE SHALL SIGN AND
8 SUBMIT TO THE BOARD OF LICENSE COMMISSIONERS AN APPLICATION IN THE
9 FORM THAT THE BOARD PROVIDES.

10 (4) THE ANNUAL FEE FOR A SPECIAL LICENSE IS:

11 (I) \$400, FOR NOT MORE THAN 10 DAYS;

12 (II) \$800, FOR AT LEAST 11 BUT NOT MORE THAN 20 DAYS;

13 (III) \$1,000, FOR AT LEAST 21 BUT NOT MORE THAN 30 DAYS;

14 AND

15 (IV) \$1,100, FOR AT LEAST 31 BUT NOT MORE THAN 40 DAYS.

16 (5) THE TOTAL NUMBER OF DAYS DURING WHICH A SPECIAL
17 LICENSE MAY BE USED MAY NOT EXCEED 40 IN A CALENDAR YEAR.

18 (6) A LICENSE HOLDER SHALL NOTIFY THE BOARD OF LICENSE
19 COMMISSIONERS IN WRITING AT LEAST 7 DAYS BEFORE EACH DAY WHEN THE
20 LICENSE IS TO BE USED.

21 (7) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE ONLY
22 ONE MULTIPLE EVENT LICENSE TO A LICENSE HOLDER IN A LICENSED YEAR.

23 (8) THIS SUBSECTION DOES NOT PREVENT A FIRE DEPARTMENT
24 FROM OBTAINING A SINGLE EVENT SPECIAL CLASS C LICENSE AUTHORIZED
25 ELSEWHERE UNDER THIS SECTION.

26 (9) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT
27 REGULATIONS TO CARRY OUT THIS SUBSECTION.

28 9-102.

29 (k) The provisions of subsections (a) and (a-1) of this section do not apply to
30 licenses issued under:

1 (1) § 6–201 of this article if: [(1) the]

2 (I) THE resident applicant has been a resident of Wicomico
3 County for at least two years prior to the application[, and (2) the]; and

4 (II) THE minimum capital investment in the premises is at least
5 \$200,000 or the premises have a fair market value of at least \$200,000; OR

6 (2) § 12–104(E)(5) OF THIS ARTICLE.

7 10–506.

8 (b) Notwithstanding any provisions to the contrary in this article, upon the
9 death of any married licensee, or upon the death of any licensee holding that license
10 for the benefit of a partnership or corporation, upon application to the Comptroller or
11 local licensing board, as the case may be, that granted the license, a new license shall
12 be issued to the surviving spouse, the surviving partners for the benefit of the
13 partnership, or the senior surviving officer for the benefit of the corporation without
14 the necessity of any further proceedings for the balance of the current license year. A
15 renewal license may be issued to the surviving spouse or to the surviving members of a
16 partnership or corporation, if they qualify to hold license under this article. The
17 provisions of this subsection apply only in the following subdivisions:

18 (1) Anne Arundel County;

19 (2) Baltimore County;

20 (3) Baltimore City;

21 (4) Caroline County;

22 (5) Charles County;

23 (6) Dorchester County; [and]

24 (7) Prince George’s County; AND

25 (8) **WICOMICO COUNTY.**

26 12–104.

27 (e) (5) (I) **THIS PARAGRAPH APPLIES ONLY IN WICOMICO**
28 **COUNTY.**

1 ~~(II) SUBJECT TO THE APPROVAL OF THE BOARD OF~~
 2 ~~LICENSE COMMISSIONERS, IN ADDITION TO THE RETAIL LICENSE REQUIRED~~
 3 ~~UNDER § 2-207 OR § 2-208 OF THIS ARTICLE, A CLASS 6 PUB-BREWERY~~
 4 ~~LICENSEE OR A CLASS 7 MICRO-BREWERY LICENSEE MAY HOLD OR HAVE A~~
 5 ~~FINANCIAL INTEREST IN RETAIL ALCOHOLIC BEVERAGES LICENSES THAT DO~~
 6 ~~NOT APPLY TO PREMISES TO WHICH A CLASS 6 PUB-BREWERY LICENSE OR~~
 7 ~~CLASS 7 MICRO-BREWERY LICENSE APPLIES.~~

8 (II) SUBJECT TO SUBPARAGRAPHS (III) AND (IV) OF THIS
 9 PARAGRAPH, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE ONE CLASS
 10 6 PUB-BREWERY LICENSE OR ONE CLASS 7 MICRO-BREWERY LICENSE, BUT NOT
 11 BOTH, TO A PERSON THAT HOLDS NOT MORE THAN THREE CLASS B BEER, WINE
 12 AND LIQUOR LICENSES.

13 (III) A CLASS 6 PUB-BREWERY LICENSE OR A CLASS 7
 14 MICRO-BREWERY LICENSE ISSUED UNDER SUBPARAGRAPH (II) OF THIS
 15 PARAGRAPH MAY BE ISSUED ONLY FOR A LOCATION IN AN ENTERPRISE ZONE IN
 16 THE CITY OF SALISBURY.

17 (IV) A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE
 18 ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY SELL BEER FOR
 19 OFF-PREMISES CONSUMPTION ONLY TO A WHOLESALER LICENSED UNDER THIS
 20 ARTICLE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 22 July 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.