

# HOUSE BILL 1087

A2

(8lr2192)

## **ENROLLED BILL**

*—Economic Matters / Education, Health, and Environmental Affairs—*

Introduced by **Washington County Delegation**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Washington County – Alcoholic Beverages – Catering, Stadium, and**  
3 **Sidewalk Café Licenses**

4 FOR the purpose of authorizing the Board of License Commissioners of Washington  
5 County to issue a caterer’s license to certain alcoholic beverages licensees;  
6 specifying the privileges conferred by the caterer’s license; specifying certain  
7 requirements that a holder of a caterer’s license must meet; authorizing the  
8 Board to issue a stadium license to certain persons; specifying the privileges  
9 conferred by the stadium license and requirements to be met by a stadium  
10 license holder; authorizing the Board to issue a sidewalk café license to certain  
11 persons; specifying the privileges conferred by a sidewalk café license; requiring  
12 the holder of a sidewalk café license to meet certain requirements; providing  
13 certain fees and the hours of sale for certain licenses; defining certain terms;  
14 making certain stylistic changes; and generally relating to alcoholic beverages  
15 licenses in Washington County.

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**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.

*Italics indicate opposite chamber / conference committee amendments.*



1 BY renumbering  
 2 Article 2B – Alcoholic Beverages  
 3 Section 6–709, 6–710, and 6–711, respectively  
 4 to be Section 6–710, 6–711, and 6–712, respectively  
 5 Annotated Code of Maryland  
 6 (2005 Replacement Volume and 2007 Supplement)

7 BY adding to  
 8 Article 2B – Alcoholic Beverages  
 9 Section 6–709  
 10 Annotated Code of Maryland  
 11 (2005 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, with amendments,  
 13 Article 2B – Alcoholic Beverages  
 14 Section 8–222  
 15 Annotated Code of Maryland  
 16 (2005 Replacement Volume and 2007 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 18 MARYLAND, That Section(s) 6–709, 6–710, and 6–711, respectively, of Article  
 19 2B – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be  
 20 Section(s) 6–710, 6–711, and 6–712, respectively.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 22 read as follows:

23 **Article 2B – Alcoholic Beverages**

24 **6–709.**

25 (A) (1) **THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.**

26 (2) **IN THIS SECTION, “BOARD” MEANS THE BOARD OF LICENSE**  
 27 **COMMISSIONERS.**

28 (B) **THE BOARD MAY ISSUE A CATERER’S LICENSE TO A HOLDER OF A**  
 29 **POURING LICENSE OR A CLASS B RESTAURANT OR HOTEL (ON AND OFF–SALE)**  
 30 **BEER, WINE AND LIQUOR LICENSE.**

31 (C) **THE ANNUAL LICENSE FEE IS \$1,500.**

32 (D) **A CATERER’S LICENSE ISSUED UNDER THIS SECTION AUTHORIZES**  
 33 **THE HOLDER TO PROVIDE ALCOHOLIC BEVERAGES AT EVENTS THAT ARE HELD**

1 OFF THE PREMISES COVERED BY THE POURING LICENSE OR THE CLASS B  
2 RESTAURANT OR HOTEL LICENSE.

3 (E) THE HOLDER SHALL PREPARE, DELIVER, AND PROVIDE FOOD AS  
4 WELL AS ALCOHOLIC BEVERAGES FOR CONSUMPTION AT THE CATERED EVENT.

5 (F) BEFORE A CATERER'S LICENSE MAY BE ISSUED, REISSUED, OR  
6 RENEWED, THE COUNTY HEALTH DEPARTMENT SHALL APPROVE THE  
7 FACILITIES THAT PREPARE THE FOOD.

8 (G) A HOLDER MAY EXERCISE THE PRIVILEGES UNDER THIS LICENSE  
9 ONLY DURING THE HOURS AND DAYS THAT ARE ALLOWED UNDER THIS ARTICLE  
10 FOR THE UNDERLYING POURING LICENSE OR CLASS B RESTAURANT OR HOTEL  
11 LICENSE.

12 (H) THIS SECTION DOES NOT REQUIRE A HOLDER OF AN EXISTING  
13 POURING LICENSE OR CLASS B RESTAURANT OR HOTEL LICENSE TO HAVE A  
14 CATERER'S LICENSE FOR CATERING ON THE PREMISES THAT IS COVERED BY  
15 THE EXISTING LICENSE.

16 (I) THE HOLDER OF A CATERER'S LICENSE SHALL:

17 (1) PROVIDE ALL THE SERVICE EMPLOYEES TO SERVE THE  
18 ALCOHOLIC BEVERAGES AT THE CATERED EVENT; AND

19 (2) ENSURE THAT AT LEAST ONE OF THOSE EMPLOYEES IS  
20 CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM AND ON THE PREMISES AT  
21 ALL TIMES DURING THE CATERED EVENT.

22 8-222.

23 (A) THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.

24 [(a)] (B) (1) [In Washington County the] THE operators of any  
25 amusement park, whether individual, association of individuals, or a corporation, may  
26 be entitled to a license for the sale of beer within the confines of its park.

27 (2) The fee for such license shall be one hundred dollars (\$100) each  
28 calendar year, and shall entitle the holder to sell beer at one or more locations within  
29 the park from 8 a.m. to 12 p.m. on every day from May 1 to September 30 of each year,  
30 except Sundays and election days.

31 (3) Such licensees shall be subject to all laws, rules and regulations  
32 applicable in [Washington the County] THE COUNTY to the sale of beer, not

1 inconsistent with the provisions of this section; nothing contained in § 9–102 of this  
2 article shall apply to any license issued pursuant to this section.

3           **[(b)] (C) (1)** A separate license, called a **CLASS P** “pouring license” may  
4 be issued countywide by the [Washington County Liquor] Board **OF LICENSE**  
5 **COMMISSIONERS**.

6           (2) The holder of a **CLASS P** “pouring license” may only sell alcoholic  
7 beverages for consumption on the premises.

8           (3) The annual fee for each **CLASS P** “pouring license” is:

9                   (i) \$350 for a beer license;

10                   (ii) \$400 for a beer and light wine license;

11                   (iii) \$750 for a beer, light wine, and liquor license; and

12                   (iv) \$250 for a Sunday sale license.

13           **(D) (1) IN THIS SUBSECTION, “PREMISES” INCLUDES THE ENTIRE**  
14 **STADIUM FACILITY AND THE STADIUM PARKING LOTS.**

15           **(2) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A**  
16 **STADIUM (ON-SALE) LICENSE TO THE OWNER OF A PROFESSIONAL BASEBALL**  
17 **TEAM FRANCHISE.**

18           **(3) THE FRANCHISE MAY BE IN ANY FORM OF BUSINESS**  
19 **ORGANIZATION, INCLUDING PARTNERSHIP, CORPORATION, AND LIMITED**  
20 **LIABILITY COMPANY.**

21           **(4) THE ANNUAL FEE IS \$2,000.**

22           **(5) A LICENSE ENTITLES THE HOLDER TO SELL BEER AND LIGHT**  
23 **WINE:**

24                   **(I) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, FOR**  
25 **CONSUMPTION ON THE LICENSED PREMISES TO PERSONS PRESENT AT ANY**  
26 **EVENT HELD IN THE STADIUM;**

27                   **(II) IN PLASTIC, STYROFOAM, OR PAPER CONTAINERS; AND**

28                   **(III) FROM THE TIME THE STADIUM OPENS FOR THE EVENT**  
29 **UNTIL THE EVENT ENDS.**

1           **(6) THE WRITTEN APPROVAL OF THE BOARD OF LICENSE**  
2 **COMMISSIONERS IS REQUIRED BEFORE BEER AND LIGHT WINE MAY BE SOLD,**  
3 **SERVED, OR CONSUMED:**

4                   **(I) ON THE PARKING LOTS OF THE STADIUM; OR**

5                   **(II) DURING ANY EVENT OTHER THAN A BASEBALL GAME IN**  
6 **WHICH THE TEAM OF THE LICENSE HOLDER IS PLAYING.**

7           **(7) EXCEPT FOR A WHOLESALER OR DISTRIBUTOR OF BEER AND**  
8 **LIGHT WINE THAT IS CONDUCTING BUSINESS WITH THE LICENSE HOLDER, THE**  
9 **LICENSE HOLDER MAY NOT ALLOW ANY PERSON TO CARRY ALCOHOLIC**  
10 **BEVERAGES ONTO OR FROM THE LICENSED PREMISES.**

11           **(E) (1) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A**  
12 **SIDEWALK CAFÉ LICENSE TO A HOLDER OF A CLASS B OR CLASS P “POURING”**  
13 **LICENSE.**

14                   **(2) A LICENSE ENTITLES THE HOLDER TO SELL AND SERVE**  
15 **ALCOHOLIC BEVERAGES IN AN AREA ON THE SIDEWALK DIRECTLY IN FRONT OF**  
16 **THE LICENSED ESTABLISHMENT.**

17                   **(3) THE ANNUAL FEE IS ~~\$1,000~~ \$500.**

18                   **(4) A SIDEWALK CAFÉ LICENSE MAY BE ISSUED ONLY WITH AN**  
19 **APPLICATION FOR A CLASS B LICENSE OR CLASS P “POURING” LICENSE.**

20                   **(5) TO MAINTAIN A SIDEWALK CAFÉ LICENSE, A HOLDER:**

21                           **(I) SHALL COMPLY WITH ALL RULES AND REGULATIONS**  
22 **APPLICABLE TO THE ISSUANCE OF THE UNDERLYING CLASS B LICENSE OR**  
23 **CLASS P “POURING” LICENSE AND WITH ALL MUNICIPAL ORDINANCES AND**  
24 **FIRE AND HEALTH DEPARTMENT REGULATIONS;**

25                           **(II) ENSURE THAT AT LEAST ONE EMPLOYEE IS CERTIFIED**  
26 **BY AN ALCOHOL AWARENESS PROGRAM AND ON THE PREMISES AT ALL TIMES**  
27 **DURING THE OPERATION OF THE SIDEWALK CAFÉ; AND**

28                           **(III) KEEP THE KITCHEN OPEN DURING ALL HOURS OF**  
29 **OPERATION AND HAVE PREPARED MEALS AVAILABLE TO BE SERVED IN THE**  
30 **SIDEWALK CAFÉ.**

1                   **(6) A HOLDER MAY SELL OR SERVE ALCOHOLIC BEVERAGES IN**  
2 **THE SIDEWALK CAFÉ FROM NOON TO MIDNIGHT, EVERY DAY OF THE WEEK.**

3                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 July 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.