

HOUSE BILL 217

A2

(9lr1762)

ENROLLED BILL

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

Introduced by **Calvert 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 **Calvert County – Alcoholic Beverages**

3 FOR the purpose of *authorizing a limited winery in Calvert County to be issued a*
4 *winery special event permit for unlimited use for certain times during certain*
5 *months at a certain farmers' market in Calvert County; altering certain alcoholic*
6 *beverage license fees in the county; ~~altering certain alcoholic beverages license~~*
7 *fees in Calvert County;* creating a special beer, wine, and spirits tasting (BWST)
8 license in ~~the county Calvert County~~ *the county*; providing for annual fees,
9 application procedures, and certain requirements for the license; specifying
10 certain conditions under which a protest to a renewal of an alcoholic beverages
11 license in the county may occur; altering the time during which a penalty may
12 be imposed for late renewal of an alcoholic beverages license in the county;
13 imposing certain fines for the sale of alcoholic beverages to an underage
14 individual in the county; altering the salaries for the chairman, members, and
15 alternate member of the Calvert County Board of License Commissioners;

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.



providing that this Act does not apply to the salary or compensation of the incumbent chairman, members, and alternate member of the Calvert County Board of License Commissioners; making certain stylistic changes; and generally relating to alcoholic beverages in Calvert County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section ~~3-401(a), 5-101(a), 5-201(a)(1) and (f), 6-101(a)(1), 6-201(a)(1), 6-401(a)(1), 3-401(a), 5-101(a), 5-201(a)(1) and (f), 6-101(a)(1), 6-201(a)(1), 6-401(a)(1), 10-301(n)(1), 10-301(n)(1), and 12-108(a)(1)~~

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section ~~2-101(u), 3-401(f), 5-101(f), 6-101(f), 6-201(f), 6-401(f), 3-401(f), 5-101(f), 6-101(f), 6-201(f), 6-401(f), 10-301(a)(1)(iii) and (n)(2), 12-108(a)(3)(i), and 15-109(f)~~

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 8-404.1A

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

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

Article 2B – Alcoholic Beverages

2-101.

(u) (1) The Office of the Comptroller may issue a winery special event permit to a licensed Class 4 Maryland limited winery, provided that:

(i) [No] EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, NO more than 12 winery special event permits are issued to the Class 4 Maryland limited winery in any given calendar year;

(ii) The permit does not exceed 3 consecutive days; and

(iii) [No] EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, NO more than three winery special event permits are issued in any calendar year to any given limited winery for use in the same political subdivision.

(2) The winery special event permit may only be issued for an event which:

(i) Has as its major purpose an activity other than the sale and promotion of alcoholic beverages and for which the participation of the winery is a subordinate activity;

(ii) Is approved by the Department of Agriculture and the Office of the Comptroller; and

(iii) Is held on a nonlicensed premises or a premises on which a person may obtain a temporary alcoholic beverages license.

(3) A winery special event permit shall authorize the holder to:

(i) Provide samples not to exceed 1 fluid ounce per brand to consumers;

(ii) Sell not more than four 750 ml bottles of wine to a consumer at any given event or festival for off-premises consumption; and

(iii) Sell by the glass wine produced by the licensee to persons participating in any event or festival and for on-premises consumption.

(4) The winery special event permit application shall be filed with the Office of the Comptroller not less than 15 days prior to any event.

(5) A CLASS 4 MARYLAND LIMITED WINERY IN CALVERT COUNTY MAY BE ISSUED A WINERY SPECIAL EVENT PERMIT FOR UNLIMITED USE FOR ONE NIGHT EACH WEEK FROM JUNE THROUGH NOVEMBER AT THE NORTH BEACH FRIDAY NIGHT FARMERS' MARKET.

3-401.

(a) (1) A Class D beer license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer at retail at the place described in the license. The beer may be consumed on the premises or elsewhere, but a license may not be issued for any drugstore.

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

(f) In Calvert County the annual license fee is [\$100] **\$1,000.**

1 5-101.

2 (a) (1) A Class A beer and light wine license shall be issued by the license
3 issuing authority of the county in which the place of business is located. The holder of
4 the license may keep for sale and sell beer and light wines at retail, in any quantity to
5 any consumers, at the place described in the license. The holder shall deliver the beer
6 and light wines in a sealed package or container, which package or container may not
7 be opened nor its contents consumed on the premises where sold.

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

10 (f) In Calvert County the annual license fee is [~~\$150~~] **\$300.**

11 5-201.

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

16 (f) In Calvert County the annual license fee is \$250.

17 6-101.

18 (a) (1) A Class A beer, wine and liquor license shall be issued by the license
19 issuing authority of the county in which the place of business is located. The license
20 authorizes the holder to keep for sale and to sell all alcoholic beverages at retail, in any
21 quantity, at the place described in the license. The licensee shall deliver the alcoholic
22 beverages in a sealed package or container and the package or container may not be
23 opened nor its contents consumed on the premises where sold.

24 (f) In Calvert County the annual license fee is [~~\$500~~] **\$1,000.**

25 6-201.

26 (a) (1) A Class B beer, wine and liquor license shall be issued by the
27 license issuing authority of the county in which the place of business is located, and the
28 license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at
29 any hotel or restaurant at the place described, for consumption on the premises or
30 elsewhere, or as provided in this section.

31 (f) (1) This subsection applies only in Calvert County.

32 (2) The annual fee for a Class B license is [~~\$1,000~~]:

2. A franchise agreement;

3. A licensing agreement;

4. A concession agreement;

5. Dual membership in a chain of businesses commonly owned and operated;

6. A sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;

7. Common direct or indirect sharing of profit from the sale of alcoholic beverages; or

8. A sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.

6-401.

(a) (1) A Class D beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the place described in it, for consumption on the premises or elsewhere. A license may not be issued for any drugstore.

(f) (1) This subsection applies only in Calvert County.

(2) This license may be issued in the entire county.

(3) The annual license fee is [\$1,000]:

(I) \$1,250, IF THE PLACE OF BUSINESS REMAINS OPEN UNTIL MIDNIGHT; OR

(II) \$2,250, IF THE PLACE OF BUSINESS REMAINS OPEN UNTIL 2 A.M.

~~3-401.~~

~~(a) (1) A Class D beer license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer at retail at the place described in the license.~~

~~The beer may be consumed on the premises or elsewhere, but a license may not be issued for any drugstore.~~

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

~~(f) In Calvert County the annual license fee is [\$100] **\$1,000.**~~

~~5-101.~~

~~(a) (1) A Class A beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer and light wines at retail, in any quantity to any consumers, at the place described in the license. The holder shall deliver the beer and light wines in a sealed package or container, which package or container may not be opened nor its contents consumed on the premises where sold.~~

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

~~(f) In Calvert County the annual license fee is [\$150] **\$300.**~~

~~5-201.~~

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

~~(f) In Calvert County the annual license fee is \$250.~~

~~6-101.~~

~~(a) (1) A Class A beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and to sell all alcoholic beverages at retail, in any quantity, at the place described in the license. The licensee shall deliver the alcoholic beverages in a sealed package or container and the package or container may not be opened nor its contents consumed on the premises where sold.~~

~~(f) In Calvert County the annual license fee is [\$500] **\$1,000.**~~

~~6-201.~~

~~(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license authorizes its holder to keep for sale and sell all alcoholic beverages at~~

~~retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.~~

~~(f) (1) This subsection applies only in Calvert County.~~

~~(2) The annual fee for a Class B license is [\$1,000].~~

~~(I) \$1,250, IF THE PLACE OF BUSINESS REMAINS OPEN UNTIL MIDNIGHT; OR~~

~~(II) \$2,250, IF THE PLACE OF BUSINESS REMAINS OPEN UNTIL 2 A.M.~~

~~(3) (i) There is a Class BR beer, wine and liquor license which authorizes licensees to sell beer, wine, and liquor in restaurants for on-sale consumption with meals only.~~

~~(ii) The annual license fee for each license is \$500.~~

~~(iii) Hours and days for sale are those for other Calvert County Class B licensees.~~

~~(4) (i) In the 27th Legislative District of Calvert County, there is a Class BLX license for luxury-type restaurants.~~

~~(ii) The Class BLX license shall be applied for in the same manner as are other classes of licenses.~~

~~(iii) The license fee is \$2,400.~~

~~(iv) A luxury-type restaurant shall be defined by the County Liquor Board.~~

~~(v) To qualify for a Class BLX license, a restaurant shall have:~~

~~1. A minimum capital investment of \$500,000 for the dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and~~

~~2. A seating capacity of at least 150 persons.~~

~~(vi) Notwithstanding any other provision of this article, an individual, corporation, limited liability company, partnership, limited partnership, joint venture, association, or other person or combination of persons may not have a direct or indirect interest in any combination in more than 3 Class B and Class BLX licenses.~~

(vii) ~~An indirect interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:~~

- ~~1. A common parent company;~~
- ~~2. A franchise agreement;~~
- ~~3. A licensing agreement;~~
- ~~4. A concession agreement;~~
- ~~5. Dual membership in a chain of businesses commonly owned and operated;~~
- ~~6. A sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;~~
- ~~7. Common direct or indirect sharing of profit from the sale of alcoholic beverages; or~~
- ~~8. A sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.~~

~~6-401.~~

(a) (1) ~~A Class D beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the place described in it, for consumption on the premises or elsewhere. A license may not be issued for any drugstore.~~

(f) (1) ~~This subsection applies only in Calvert County.~~

(2) ~~This license may be issued in the entire county.~~

(3) ~~The annual license fee is [\$1,000].~~

(I) ~~\$1,250, IF THE PLACE OF BUSINESS REMAINS OPEN UNTIL MIDNIGHT; OR~~

(II) ~~\$2,250, IF THE PLACE OF BUSINESS REMAINS OPEN UNTIL 2 A.M.~~

8-404.1A.

(A) THIS SECTION APPLIES ONLY IN CALVERT COUNTY.

(B) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL BEER, WINE AND SPIRITS TASTING (BWST) LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE OR A CLASS A BEER, WINE AND LIQUOR LICENSE.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A BWST LICENSE ENTITLES A HOLDER OF:

(I) A CLASS A BEER AND WINE LICENSE TO ALLOW TASTINGS OF WINE OR BEER AND WINE; AND

(II) A CLASS A BEER, WINE AND LIQUOR LICENSE TO HOLD TASTINGS OF WINE, BEER AND WINE, OR BEER, WINE AND LIQUOR.

(2) TO HOLD A TASTING, A HOLDER OF A BWST LICENSE SHALL PROVIDE ALCOHOLIC BEVERAGES TO CONSUMERS AT NO CHARGE.

(D) A PERSON MAY CONSUME ALCOHOLIC BEVERAGES COVERED BY A BWST LICENSE IN A QUANTITY NOT EXCEEDING:

(1) 1 OUNCE FROM A SINGLE BRAND OF BEER OR WINE; AND

(2) ONE-HALF OUNCE FROM A SINGLE BRAND OF ANY OTHER ALCOHOLIC BEVERAGE.

(E) A BWST LICENSE ENTITLES THE HOLDER TO HOLD TASTINGS 365 DAYS PER YEAR.

(F) A SINGLE TASTING HELD UNDER A BWST LICENSE MAY NOT EXCEED 3 HOURS.

(G) (1) AN APPLICANT FOR A BWST LICENSE SHALL SUBMIT TO THE BOARD OF LICENSE COMMISSIONERS AN APPLICATION ON THE FORM THAT THE BOARD OF LICENSE COMMISSIONERS PROVIDES.

(2) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A BWST LICENSE WITHOUT A HEARING.

(3) A RENEWAL OF A BWST LICENSE SHALL BE MADE AT THE TIME THAT THE CLASS A BEER AND WINE OR CLASS A BEER, WINE AND LIQUOR LICENSE IS RENEWED.

(H) THE ANNUAL FEE FOR A BWST LICENSE IS:

(1) \$200, IF THE LICENSE IS USED FOR WINE;

(2) \$250, IF THE LICENSE IS USED FOR BEER OR WINE; AND

(3) \$300, IF THE LICENSE IS USED FOR BEER, WINE AND LIQUOR.

10-301.

(a) (1) (iii) 1. Subject to subsubparagraph [2] 3 of this subparagraph, a license by way of renewal may not be approved without a hearing before such official if a protest has been filed against the granting of the new license at least 30 days before the expiration of the license for which renewal is sought.

2. In CALVERT COUNTY AND Charles County:

A. A protest shall specify the basis on which the protest is made; AND

B. The protest shall be filed under oath[; and].

[C.] 3. [The] IN CHARLES COUNTY, THE Board of License Commissioners may approve the renewal of the license without a hearing if the Board makes a finding that the basis of the protest lacks substance.

(n) (1) This subsection applies only in Calvert County.

(2) (i) The term of a license is 1 year.

(ii) To renew a license, a licensee shall file an application for license renewal with the Board of License Commissioners at any time beginning on April 1 and ending on May 1.

(iii) A license renewal application received by the Board ON OR after [May 1] JULY 1 is subject to a late fine of \$50 for each day the application is late.

(iv) A late fine may not exceed \$500.

12-108.

(a) (1) A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time:

(i) To a person under 21 years of age for the underage person's own use or for the use of any other person; or

(ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.

(3) (i) A licensee or employee of the licensee violating any of the provisions of this subsection is guilty of a misdemeanor and, upon conviction, [suffers the] **IS SUBJECT TO:**

1. THE penalties provided by § 16-503 of this article;
AND

2. IN CALVERT COUNTY, IF THE VIOLATOR IS:

A. A LICENSEE, A FINE NOT EXCEEDING \$200; OR

B. AN EMPLOYEE OF A LICENSEE, A FINE NOT EXCEEDING \$250.

15-109.

(f) In Calvert County:

(1) The chairman of the Board shall receive [\$2,100] **\$4,200** annually for expenses incurred while carrying on the duties of the office;

(2) The regular members of the Board shall receive [\$1,800] **\$3,600** annually for expenses incurred while carrying on the duties of the office; and

(3) The alternate Board member shall receive [\$75] **\$200** compensation for each meeting of the Board attended as an acting regular member to compensate for expenses incurred while carrying on the duties of the office.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the chairman, members, and alternate member of the Calvert County Board of License Commissioners in office on the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the chairman, members, and alternate member of the Calvert County Board of License Commissioners shall take effect at the beginning of the next following term of office.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.