

HOUSE BILL 425

A2

9lr2827
CF SB 333

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

Introduced and read first time: February 3, 2009

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 11, 2009

CHAPTER _____

1 AN ACT concerning

2 **Dorchester County – Alcoholic Beverages Act of 2009**

3 FOR the purpose of authorizing the Dorchester County Board of License
4 Commissioners to issue a Class B caterer’s license to certain persons; providing
5 an annual license fee; specifying the privileges conferred by the Class B
6 caterer’s license; specifying certain requirements that a holder of a caterer’s
7 license must meet and certain restrictions on the use of a caterer’s license;
8 requiring a holder of a caterer’s license at a catered public event to issue
9 wristbands to certain individuals; prohibiting the serving of alcoholic beverages
10 to individuals without wristbands; authorizing the Board to issue a beer and
11 wine sampling or tasting (BWST) license to certain persons; authorizing certain
12 holders of a BWST license to hold only beer tastings or samplings; specifying
13 certain conditions for the use of a BWST license; specifying certain maximum
14 quantities of alcoholic beverages that may be consumed under certain
15 conditions; specifying certain requirements for applying for a BWST license,
16 resubmitting an application, and issuing a BWST license; specifying certain
17 license fees; requiring that the holder of a BWST license dispose of certain
18 alcoholic beverages at a certain time; clarifying a certain prohibition concerning
19 the granting of a new license within a certain distance of certain buildings;
20 exempting from the prohibition applications for certain licenses in certain
21 municipalities and certain premises; repealing the authority of a holder of an
22 on-sale alcoholic beverages license in the county to make sales at any time on
23 New Year’s Day; altering the annual compensation of the Chairman and the
24 regular members of the Board; authorizing the county inspector to serve
25 summonses; providing that this Act does not apply to the salary or

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 compensation of the incumbent Chairman or regular members of the Board; and
2 generally relating to alcoholic beverages in Dorchester County.

3 BY adding to
4 Article 2B – Alcoholic Beverages
5 Section 6–713 and 8–405.2
6 Annotated Code of Maryland
7 (2005 Replacement Volume and 2008 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article 2B – Alcoholic Beverages
10 Section 9–210, 15–109(k), and 16–410(b)(2)(i)
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2008 Supplement)

13 BY repealing
14 Article 2B – Alcoholic Beverages
15 Section 11–402(k)
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2008 Supplement)

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

20 **Article 2B – Alcoholic Beverages**

21 **6–713.**

22 (A) **THIS SECTION APPLIES ONLY IN DORCHESTER COUNTY.**

23 (B) **THE DORCHESTER COUNTY BOARD OF LICENSE COMMISSIONERS**
24 **MAY ISSUE A CLASS B CATERER’S LICENSE TO A LICENSEE WHO:**

25 (1) **HOLDS A CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER**
26 **AND LIGHT WINE LICENSE OR CLASS B RESTAURANT OR HOTEL (ON–SALE)**
27 **BEER, WINE AND LIQUOR LICENSE;**

28 (2) **HOLDS A CATERER’S LICENSE ISSUED BY THE COUNTY**
29 **HEALTH DEPARTMENT; AND**

30 (3) **CONTRACTS TO PROVIDE FOOD AND ALCOHOLIC BEVERAGES**
31 **TO SPONSORS OF PUBLIC OR PRIVATE EVENTS.**

32 (C) **THE ANNUAL LICENSE FEE IS \$150.**

1 (D) (1) A CLASS B CATERER'S LICENSE AUTHORIZES THE HOLDER TO
2 PROVIDE ALCOHOLIC BEVERAGES AT EVENTS THAT ARE HELD OFF THE
3 PREMISES COVERED BY THE CLASS B BEER AND LIGHT WINE LICENSE OR
4 CLASS B BEER, WINE AND LIQUOR LICENSE.

5 (2) A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE OR
6 A CLASS B BEER, WINE AND LIQUOR LICENSE NEED NOT HAVE A CLASS B
7 CATERER'S LICENSE FOR CATERING ON THE PREMISES THAT IS COVERED BY
8 THE HOLDER'S LICENSE.

9 (E) THE BOARD OF LICENSE COMMISSIONERS NEED NOT PUBLISH AN
10 APPLICATION FOR A CLASS B CATERER'S LICENSE BEFORE ISSUING THE
11 LICENSE.

12 (F) THE HOLDER OF A CLASS B CATERER'S LICENSE:

13 (1) SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS
14 BEFORE THE EVENT FOR WHICH THE LICENSE IS TO BE USED;

15 (2) SHALL PROVIDE FOOD AS WELL AS ALCOHOLIC BEVERAGES
16 FOR CONSUMPTION AT THE CATERED EVENT; AND

17 (3) MAY EXERCISE THE PRIVILEGES OF THE LICENSE ONLY
18 DURING THE HOURS AND DAYS THAT ARE AUTHORIZED FOR THE HOLDER'S
19 CLASS B BEER AND LIGHT WINE LICENSE OR CLASS B BEER, WINE AND LIQUOR
20 LICENSE.

21 (G) WHEN CATERING A PUBLIC EVENT, A HOLDER OF A CLASS B
22 CATERER'S LICENSE:

23 (1) SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL AT
24 LEAST 21 YEARS OLD AT THE CATERED EVENT; AND

25 (2) MAY NOT SERVE AN ALCOHOLIC BEVERAGE TO AN
26 INDIVIDUAL AT THE CATERED EVENT WHO DOES NOT WEAR THE WRISTBAND.

27 **8-405.2.**

28 (A) THIS SECTION APPLIES ONLY IN DORCHESTER COUNTY.

29 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
30 BOARD OF LICENSE COMMISSIONERS MAY ISSUE A BEER AND WINE SAMPLING
31 OR TASTING (BWST) LICENSE TO A HOLDER OF A CLASS A LICENSE TO HOLD
32 TASTINGS OR SAMPLINGS OF BEER OR WINE.

1 **(2) A HOLDER OF A CLASS A BEER LICENSE MAY USE A BWST**
2 **LICENSE TO HOLD TASTINGS OR SAMPLINGS OF BEER ONLY.**

3 **(C) (1) A BWST LICENSE AUTHORIZES SAMPLING OR TASTING OF**
4 **ALCOHOLIC BEVERAGES ONLY ON THE LICENSED PREMISES OF THE HOLDER OF**
5 **A CLASS A LICENSE.**

6 **(2) THE ALCOHOLIC BEVERAGES SHALL BE OFFERED TO**
7 **CONSUMERS AT NO CHARGE.**

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

10 **(1) (I) 1 OUNCE FROM A SINGLE BRAND OF WINE; AND**

11 **(II) 4 OUNCES FROM ALL BRANDS OF WINE IN A SINGLE DAY;**
12 **AND**

13 **(2) (I) 3 OUNCES FROM A SINGLE BRAND OF BEER; AND**

14 **(II) 8 OUNCES FROM ALL BRANDS OF BEER IN A SINGLE DAY.**

15 **(E) (1) AN APPLICATION FOR A BWST LICENSE SHALL BE MADE ON A**
16 **FORM SUPPLIED BY THE BOARD OF LICENSE COMMISSIONERS.**

17 **(2) A BWST LICENSE MAY BE ISSUED WITHOUT A PUBLIC**
18 **HEARING.**

19 **(3) IF AN INITIAL APPLICATION FOR A BWST LICENSE IS DENIED:**

20 **(I) THE APPLICANT MAY RESUBMIT THE APPLICATION; AND**

21 **(II) ON REQUEST FROM THE APPLICANT, THE BOARD SHALL**
22 **HOLD A PUBLIC HEARING ON THE APPLICATION BEFORE DETERMINING**
23 **WHETHER TO ISSUE THE LICENSE.**

24 **(4) A RENEWAL OF A BWST LICENSE MAY BE MADE AT THE TIME**
25 **THE HOLDER'S CLASS A LICENSE IS RENEWED.**

26 **(F) THE FEE FOR A BWST LICENSE IS:**

27 **(1) \$150 FOR NOT MORE THAN 15 BEER OR WINE TASTINGS PER**
28 **YEAR; OR**

1 (2) **\$250 FOR NOT MORE THAN 30 BEER OR WINE TASTINGS PER**
2 **YEAR.**

3 (G) (1) **THE BOARD OF LICENSE COMMISSIONERS MAY NOT REQUIRE**
4 **THE PUBLICATION OF AN APPLICATION FOR A BWST LICENSE BEFORE ISSUING**
5 **THE LICENSE.**

6 (2) **THE HOLDER OF A BWST LICENSE SHALL NOTIFY THE**
7 **BOARD IN WRITING AT LEAST 7 DAYS BEFORE THE EVENT AT WHICH THE**
8 **LICENSE IS TO BE USED.**

9 (H) **AT THE END OF THE DAY FOR WHICH A BWST LICENSE IS VALID,**
10 **THE HOLDER OF THE LICENSE SHALL PROPERLY DISPOSE OF ALCOHOLIC**
11 **BEVERAGES THAT REMAIN IN A CONTAINER OPENED FOR TASTING OR**
12 **SAMPLING.**

13 9-210.

14 (a) Except as provided in subsection (b) of this section, in Dorchester County,
15 a new license may not be granted to sell any alcoholic beverage [on any premises
16 located within 300 feet of a church or public school] **IN A BUILDING WITH A WALL**
17 **WITHIN 300 FEET IN A DIRECT LINE OF THE NEAREST POINT OF THE MAIN**
18 **BUILDING OF A PUBLIC OR NONPUBLIC KINDERGARTEN, ELEMENTARY, OR**
19 **SECONDARY SCHOOL, OR CHURCH OR OTHER PLACE OF WORSHIP.**

20 (b) Subsection (a) of this section does not apply to:

21 (1) [the] **THE** granting of a license for a premises located within the
22 restricted distance if a license to sell alcoholic beverages on the premises existed as of
23 October 1, 1996;

24 (2) **AN APPLICATION FOR A CLASS B (ON-SALE) BEER, WINE AND**
25 **LIQUOR LICENSE FOR A PREMISES IN CAMBRIDGE OR SECRETARY; OR**

26 (3) **A PREMISES ISSUED A SPECIAL OR TEMPORARY LICENSE.**

27 11-402.

28 [(k) (1) This subsection applies only in Dorchester County.

29 (2) This article may not be construed to require any holder of an
30 on-sale license to close that establishment at any time on January 1 of any year, and
31 any holder of this license is permitted to make any sale of alcoholic beverages
32 authorized by the license at any time on January 1 of any year.]

1 15–109.

2 (k) In Dorchester County, the annual compensation for the members of the
3 Board of License Commissioners is:

4 (1) [\$2,500] **\$3,000** for the Chairman; and

5 (2) [\$2,000] **\$2,500** for each regular member.

6 16–410.

7 (b) (2) (i) All summonses shall be served by the sheriff, except that:

8 1. In the City of Annapolis, summonses may also be
9 served by the Annapolis Police Department;

10 2. In Anne Arundel County, summonses may also be
11 served by inspectors employed by the Board and by the Anne Arundel County Police
12 Department;

13 3. In Baltimore City, summonses may also be served by
14 inspectors employed by the Board of Liquor License Commissioners for Baltimore City;

15 4. In Cecil County, summonses may also be served by
16 inspectors employed by the Cecil County Board of License Commissioners; [and]

17 **5. IN DORCHESTER COUNTY, SUMMONSES MAY ALSO**
18 **BE SERVED BY THE INSPECTOR EMPLOYED BY DORCHESTER COUNTY AND**
19 **ASSIGNED TO THE BOARD OF LICENSE COMMISSIONERS; AND**

20 [5.] **6.** In Harford County, summonses may also be served
21 by inspectors employed by the Harford County Liquor Control Board.

22 SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, §
23 35 of the Maryland Constitution, § 15–109 of Article 2B of the Annotated Code of
24 Maryland, as enacted by Section 1 of this Act, may not be construed to extend or apply
25 to the salary or compensation of the Chairman or regular members of the Dorchester
26 County Board of License Commissioners in office on the effective date of this Act, but
27 the provisions of this Act concerning the salary or compensation of the Chairman and
28 the regular members of the Dorchester County Board of License Commissioners shall
29 take effect at the beginning of the next following term of office.

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