

HOUSE BILL 586

A2

9lr2467

By: **Frederick County Delegation**

Introduced and read first time: February 6, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Alcoholic Beverages – Winery License**

3 FOR the purpose of authorizing the Frederick County Board of License Commissioners
4 to issue a Class W winery license to certain holders of a Class 4 manufacturer’s
5 license; specifying the privileges conferred by the Class W winery license,
6 including the ability to sell wine and other products for consumption on or off
7 the premises and to maintain furnishings to enable patrons to consume wine
8 and food; specifying that a Class W winery license is a 7–day license exempt
9 from certain quotas; providing a license fee; specifying the hours of sale for a
10 Class W winery license; making a certain stylistic change; providing that a
11 holder of a certain license may exchange that license for a Class W winery
12 license under certain circumstances; and generally relating to alcoholic
13 beverages in Frederick County.

14 BY adding to

15 Article 2B – Alcoholic Beverages
16 Section 4–301 to be under the new subtitle “Subtitle 3. Class W Winery
17 Licenses”; and 11–511(f)
18 Annotated Code of Maryland
19 (2005 Replacement Volume and 2008 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article 2B – Alcoholic Beverages
22 Section 11–511(a)
23 Annotated Code of Maryland
24 (2005 Replacement Volume and 2008 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article 2B – Alcoholic Beverages
27 Section 11–511(c)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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

SUBTITLE 3. CLASS W WINERY LICENSES.

4-301.

(A) THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.

(B) THE FREDERICK COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE A CLASS W WINERY LICENSE TO A LICENSEE WHO:

(1) HOLDS A CLASS 4 MANUFACTURER'S LICENSE; AND

(2) HAS BEEN A RESIDENT OF THE STATE FOR AT LEAST 2 YEARS IMMEDIATELY BEFORE THE FILING OF AN APPLICATION FOR THE CLASS W WINERY LICENSE.

(C) THE ANNUAL LICENSE FEE SHALL BE SET BY THE BOARD BUT MAY NOT EXCEED \$200.

(D) A CLASS W WINERY LICENSE AUTHORIZES THE HOLDER TO:

(1) PROVIDE SAMPLES OF WINE AND OTHER PRODUCTS PRODUCED BY THE LICENSEE AT NO CHARGE;

(2) SELL WINE AND OTHER PRODUCTS PRODUCED BY THE LICENSEE FOR CONSUMPTION ON OR OFF THE PREMISES;

(3) HOLD PUBLIC AND PRIVATE EVENTS ON THE PREMISES IDENTIFIED IN THE LICENSE;

(4) SELL AND SERVE FOOD INCIDENTAL TO THE SAMPLING OF WINE; AND

(5) MAINTAIN TABLES, CHAIRS, AND OTHER APPROPRIATE INDOOR AND OUTDOOR FURNISHINGS TO ENABLE PATRONS TO CONSUME WINE AND FOOD.

(E) A CLASS W WINERY LICENSE IS A 7-DAY LICENSE.

1 **(F) A CLASS W WINERY LICENSE IS EXEMPT FROM ANY QUOTA**
2 **ESTABLISHED AS TO THE NUMBER OF LICENSES IN THE ELECTION DISTRICT**
3 **WHERE THE CLASS W WINERY LICENSE IS TO BE LOCATED.**

4 **(G) A HOLDER OF A CLASS W WINERY LICENSE MAY LOCATE THE**
5 **OPERATION:**

6 **(1) ON THE PREMISES FOR WHICH THE CLASS 4**
7 **MANUFACTURER'S LICENSE WAS ISSUED;**

8 **(2) AT THE SAME ADDRESS AS ANOTHER CLASS W WINERY**
9 **LICENSE; OR**

10 **(3) AT ANOTHER LOCATION THAT THE BOARD APPROVES.**

11 11-511.

12 (a) This section applies only in Frederick County.

13 (c) (1) [Notwithstanding] **EXCEPT AS PROVIDED IN SUBSECTION (F)**
14 **OF THIS SECTION BUT NOTWITHSTANDING** any other provision of this subtitle, the
15 privilege conferred by every class of "on-sale" license may be exercised during the
16 hours from 6 a.m. to 2 a.m. daily, except Sundays.

17 (2) On Sundays the hours are:

18 (i) On-sale – 11 a.m. to 2 a.m.; and

19 (ii) Off-sale – 1 p.m. to 2 a.m.

20 **(F) FOR THE HOLDERS OF A CLASS W WINERY LICENSE, SALES ARE**
21 **ALLOWED:**

22 **(1) MONDAY THROUGH SATURDAY FROM 10 A.M. THROUGH 1:45**
23 **A.M. THE FOLLOWING DAY; AND**

24 **(2) SUNDAY FROM 10 A.M. THROUGH MIDNIGHT, EXCEPT IF**
25 **CHRISTMAS EVE OR NEW YEAR'S EVE IS ON A SUNDAY, FROM 10 A.M. TO 2 A.M.**
26 **THE FOLLOWING DAY.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That a holder of a Class 4
28 license who holds a Class A light wine license issued by the Frederick County Board of
29 License Commissioners may surrender the Class A license to the Board and, in
30 exchange, be issued a Class W winery license created by this Act at no charge. The

1 expiration date of a Class W winery license issued under this section shall be the same
2 as the expiration date of the surrendered Class A light wine license.

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