

HOUSE BILL 962

A2

9lr1445

By: **Prince George's County Delegation**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Alcoholic Beverages - Wine Festival License**

3 **PG 322-09**

4 FOR the purpose of authorizing the Prince George's County Board of License
5 Commissioners to issue a wine festival license to certain persons for the sale of
6 wine at the Prince George's County Wine Festival; establishing certain licensing
7 requirements; requiring license holders to display and sell certain wine;
8 providing for a license fee; requiring the Board to set the date and location for
9 the Festival and to assure that the primary focus of the Festival is the
10 promotion of Maryland wine; establishing certain requirements concerning the
11 delivery and return of products displayed and sold at the Festival; requiring the
12 Board to adopt certain regulations; defining certain terms; and generally
13 relating to an alcoholic beverages license issued for the Prince George's County
14 Wine Festival.

15 BY adding to

16 Article 2B - Alcoholic Beverages

17 Section 8-310.2

18 Annotated Code of Maryland

19 (2005 Replacement Volume and 2008 Supplement)

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

22 **Article 2B - Alcoholic Beverages**

23 **8-310.2.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
2 MEANINGS INDICATED.

3 (2) “BOARD” MEANS THE PRINCE GEORGE’S COUNTY BOARD OF
4 LICENSE COMMISSIONERS.

5 (3) “FESTIVAL” MEANS THE PRINCE GEORGE’S COUNTY WINE
6 FESTIVAL.

7 (B) THIS SECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.

8 (C) THE BOARD MAY ISSUE A WINE FESTIVAL LICENSE.

9 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN
10 APPLICANT FOR A WINE FESTIVAL LICENSE SHALL BE A HOLDER OF A RETAIL
11 ALCOHOLIC BEVERAGES LICENSE, A CLASS 3 WINERY LICENSE, OR A CLASS 4
12 LIMITED WINERY LICENSE.

13 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER
14 OF A WINE FESTIVAL LICENSE MAY DISPLAY AND SELL WINE AT THE FESTIVAL
15 FOR CONSUMPTION ON OR OFF THE PREMISES ON THE DAYS AND FOR THE
16 HOURS DESIGNATED FOR THE FESTIVAL.

17 (2) THE WINE SHALL BE:

18 (I) MANUFACTURED AND PROCESSED IN ANY STATE;

19 (II) PRICE FILED IN ACCORDANCE WITH
20 REGULATIONS THAT THE COMPTROLLER ADOPTS; AND

21 (III) DISTRIBUTED IN THE STATE BY THE TIME THE
22 APPLICATION FOR THE WINE FESTIVAL LICENSE IS FILED.

23 (F) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A WINE
24 FESTIVAL LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE
25 OF A DIFFERENT CLASS OR NATURE.

26 (G) (1) THE BOARD:

27 (I) MAY ESTABLISH THE LICENSE FEE;

28 (II) SHALL CHOOSE A LOCATION IN THE COUNTY FOR THIS
29 FESTIVAL WHICH IS NOT LICENSED UNDER THIS ARTICLE;

1 (III) SHALL ASSURE THAT THE PRIMARY FOCUS OF THE
2 FESTIVAL IS THE PROMOTION OF MARYLAND WINE; AND

3 (IV) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
4 ANNUALLY MAY SELECT ONE WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE,
5 FOR THE FESTIVAL.

6 (2) THE WEEKEND CHOSEN FOR THE FESTIVAL MAY NOT:

7 (I) OCCUR WITHIN 14 DAYS BEFORE OR AFTER THE
8 MARYLAND WINE FESTIVAL IN CARROLL COUNTY; AND

9 (II) CONFLICT WITH THE DATES CHOSEN FOR:

10 1. THE ANNE ARUNDEL COUNTY BEER AND WINE
11 FESTIVAL;

12 2. THE CALVERT COUNTY WINE FESTIVAL;

13 3. THE CHARLES COUNTY BEER AND WINE
14 FESTIVAL; OR

15 4. THE HOWARD COUNTY WINE FESTIVAL.

16 (H) (1) PRODUCTS DISPLAYED AND SOLD SHALL BE:

17 (I) INVOICED TO THE HOLDER OF THE WINE FESTIVAL
18 LICENSE BY A LICENSED STATE WHOLESALER, WINERY, OR LIMITED WINERY;
19 AND

20 (II) DELIVERED TO THE FESTIVAL FROM THE LICENSED
21 PREMISES OF THE WHOLESALER, WINERY, OR LIMITED WINERY.

22 (2) WHENEVER A WINE FESTIVAL LICENSE IS ISSUED UNDER THIS
23 SECTION, HOLDERS OF WHOLESALE, WINERY, OR LIMITED WINERY LICENSES
24 MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF A WINE FESTIVAL
25 LICENSE TO DELIVER WINE 2 DAYS BEFORE THE EFFECTIVE DATE, AND TO
26 ACCEPT RETURNS 2 DAYS AFTER THE EXPIRATION DATE OF THE WINE FESTIVAL
27 LICENSE.

28 (I) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS
29 SECTION.

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