

CHAPTER 137

(House Bill 334)

AN ACT concerning

Garrett County – Alcoholic Beverages – Wine and Beer Tasting License – Off-Site Retail Delivery Procedures – Fees

FOR the purpose of requiring the Garrett County Board of License Commissioners to charge an issuing fee of a certain amount for a wine and beer tasting license; authorizing an alcoholic beverages licensee or an employee of the licensee to make an off-site retail delivery of alcoholic beverages under certain circumstances; requiring that certain delivery forms be submitted to the Board on or before a certain day of the month following the delivery; requiring the Board to adopt certain regulations; altering certain fees; making certain stylistic changes; and generally relating to alcoholic beverages in Garrett County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–406.1 and 10–503(m)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 10–502(d) and 12–301(e)
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

8–406.1.

(a) (1) In Garrett County, the Board of License Commissioners may issue a wine and beer tasting alcoholic beverages license.

(2) Notwithstanding any other provision of law, the Board OF LICENSE COMMISSIONERS may issue a license only to holders of a beer, wine and liquor license or a beer and wine license.

(3) The license permits the consumption of wine or beer authorized to be sold by the beer, wine and liquor license or the beer and wine license for tasting or sampling purposes only and for which no consideration may be charged or exacted.

(4) The Board of License Commissioners shall regulate:

(i) The quantity of wine or beer to be served to each person; and

(ii) The number of bottles of wine or beer from which this quantity is being served.

(5) The annual license fee is \$100 in addition to the cost of the beer, wine and liquor license or the beer and wine license.

(6) IN ADDITION TO THE ANNUAL LICENSE FEE, THE BOARD OF LICENSE COMMISSIONERS SHALL CHARGE AN ISSUING FEE OF \$100 FOR A WINE AND BEER TASTING ALCOHOLIC BEVERAGES LICENSE.

[(6)] (7) The privileges granted by this wine and beer tasting license may not be exercised during the Maryland Wine Festival.

(b) The [Garrett County] Board of License Commissioners may adopt rules or regulations providing additional requirements to implement this section.

10-502.

(D) IN GARRETT COUNTY, THE FEE FOR A DUPLICATE LICENSE IS \$10.

10-503.

(m) **(1)** [The provisions of subsection (a) of this section apply in Garrett County] **THIS SUBSECTION APPLIES ONLY IN GARRETT COUNTY.**

(2) THE FEE FOR ASSIGNMENT OF TRANSFER OF AN ALCOHOLIC BEVERAGES LICENSE IS:

(I) \$200; AND

(II) THE COSTS OF PUBLICATION AND NOTICE.

12-301.

(E) (1) THIS SUBSECTION APPLIES ONLY IN GARRETT COUNTY.

(2) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A DELIVERY OPTION THAT ENTITLES AN ALCOHOLIC BEVERAGES LICENSEE OR AN AUTHORIZED EMPLOYEE OF THE LICENSEE TO MAKE AN OFF-SITE RETAIL DELIVERY OF ALCOHOLIC BEVERAGES IF:

(I) THE DELIVERER IS AT LEAST 21 YEARS OLD AND CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM;

(II) THE DELIVERER AND PURCHASER ENDORSE A DELIVERY FORM THAT THE BOARD OF LICENSE COMMISSIONERS APPROVES CERTIFYING THAT:

1. THE PERSON WHO RECEIVES THE DELIVERY CLAIMS TO BE AT LEAST 21 YEARS OLD, AND THE CLAIM IS SUPPORTED BY DOCUMENTARY PROOF;

2. THE PERSON WHO RECEIVES THE DELIVERY KNOWS THAT IT IS A CRIMINAL OFFENSE FOR ALCOHOLIC BEVERAGES TO BE FURNISHED TO A PERSON UNDER THE AGE OF 21 YEARS; AND

3. THE DELIVERER EXAMINED THE PURCHASER'S IDENTIFICATION.

(3) EACH DELIVERY FORM ENDORSED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL BE SUBMITTED TO THE BOARD OF LICENSE COMMISSIONERS ON OR BEFORE THE 10TH DAY OF THE FOLLOWING MONTH.

(4) (I) THE ANNUAL FEE FOR A DELIVERY OPTION IS \$150.

(II) IN ADDITION TO AN ANNUAL FEE, THE BOARD OF LICENSE COMMISSIONERS SHALL CHARGE AN ISSUING FEE OF \$150.

(5) THE BOARD OF LICENSE COMMISSIONERS SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

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

Approved by the Governor, April 14, 2009.