

CHAPTER 700

(House Bill 962)

AN ACT concerning

Prince George's County – Alcoholic Beverages – Wine Festival License

PG 322-09

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

BY adding to

Article 2B – Alcoholic Beverages

Section 8-310.2

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

8-310.2.

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

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

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

(B) (1) ~~THIS~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

(2) THIS SECTION DOES NOT APPLY IN THE 24TH LEGISLATIVE DISTRICT.

(C) THE BOARD MAY ISSUE ~~A~~ ONE WINE FESTIVAL LICENSE EACH YEAR.

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

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

(2) THE WINE SHALL BE:

(I) MANUFACTURED AND PROCESSED IN ANY STATE;

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

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

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

(G) (1) THE BOARD:

(I) MAY ESTABLISH THE LICENSE FEE;

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

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

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

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

(I) BE LONGER THAN 3 DAYS;

~~(II)~~ OCCUR WITHIN 14 DAYS BEFORE OR AFTER THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY; AND

~~(III)~~ CONFLICT WITH THE DATES CHOSEN FOR:

1. THE ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL;

2. THE CALVERT COUNTY WINE FESTIVAL;

3. THE CHARLES COUNTY BEER AND WINE FESTIVAL; OR

4. THE HOWARD COUNTY WINE FESTIVAL.

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

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

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

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

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

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

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MARTIN O'MALLEY, Governor

Approved by the Governor, May 19, 2009.