

HOUSE BILL 551

A2

(0lr2320)

ENROLLED BILL

— Economic Matters/Education, Health, and Environmental Affairs —

Introduced by **Wicomico County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Wicomico County – Alcoholic Beverages – ~~Beer Tasting~~ Workers in Licensed**
3 **~~Establishments~~ Act of 2010**

4 FOR the purpose of ~~creating in Wicomico County a beer tasting (BT) license and a~~
5 ~~beer/wine tasting (BWT) license; specifying to whom the licenses may be issued;~~
6 ~~providing for license fees, applications, renewals, and issuance procedures;~~
7 ~~setting certain maximum limits on the amounts of individual servings and open~~
8 ~~containers and bottles of beer and wine at certain events; specifying certain~~
9 ~~restrictions and notice requirements on certain beer or wine events; authorizing~~
10 ~~the Board of License Commissioners to adopt certain regulations; authorizing a~~
11 ~~person of a certain age who has a valid work permit to be employed for certain~~
12 ~~purposes at premises that are licensed to sell alcoholic beverages in Wicomico~~
13 ~~County; prohibiting a person in Wicomico County who is under the legal~~
14 ~~drinking age for the consumption of alcohol from being on a certain premises;~~
15 ~~authorizing the Board of License Commissioners to issue a beer tasting license~~

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.

Italics indicate opposite chamber/conference committee amendments.



and a beer/wine tasting license; providing for the fees, application forms, renewal, and issuance procedures for the licenses; limiting the amount of wine and beer that may be served at events for which a license is issued; altering the number of days during which certain events may be held; requiring a license holder to provide certain notice to the Board of an event; placing certain restrictions on the length of events; providing for the use and disposal of opened bottles and containers; authorizing the Board to adopt certain regulations; altering the location for which a pub-brewery license or a micro-brewery license may be issued; allowing an individual of a certain age to be employed under certain conditions at a licensed premises for certain purposes; repealing a certain restriction applicable to the holder of a microbrewery license regarding the sale of beer for off-sale premises consumption; clarifying that the Comptroller is the issuer of a certain license; defining a certain term; making certain stylistic changes; and generally relating to alcoholic beverages in Wicomico County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 6-101(x), 6-401(x)(6), 8-412, and 12-104(e)(5)

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section ~~6-101(a)(1) and (x)(1)~~, 6-401(a)(1) and (x)(1), ~~and 12-302(a) and (5)~~

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article 2B – Alcoholic Beverages~~

~~Section 6-101(x)(5)(i), 6-401(x)(6), and 8-412~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2009 Supplement)~~

BY adding to

Article 2B – Alcoholic Beverages

Section 12-302(b)(13)

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

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

Article 2B – Alcoholic Beverages

6-101.

~~(a) (1) A Class A beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and to sell all alcoholic beverages at retail, in any quantity, at the place described in the license. The licensee shall deliver the alcoholic beverages in a sealed package or container and the package or container may not be opened nor its contents consumed on the premises where sold.~~

(x) (1) This subsection applies only in Wicomico County.

(2) The maximum number of licenses is three.

(3) Any license issued under the provisions of this section shall be issued only to existing establishments that already have a Class B beer, wine and liquor (restaurant) license and have been continually operating as a restaurant in the county for 3 months prior to the application for this license.

(4) Any license issued under the provisions of this section shall apply only to the area described in the application and that area may not exceed 20 percent of the area normally used in the operation of the restaurant business. This area must be contiguous to and adjoin the restaurant establishment.

(5) (i) [1.] The annual license fee is ~~[\$2,200;~~
~~2. During calendar year 1997, the annual license fee is~~
~~\$3,300.~~

~~3. During calendar year 1998 and thereafter, the annual~~
~~license fee is] \$4,400~~ \$4,400.

(ii) This fee shall be paid in addition to the fee paid for the Class B (restaurant) license.

(6) All alcoholic beverages other than beer and light wine shall be purchased from the Liquor Control Board for Wicomico County and the licensee shall be charged not more than 15 percent above the wholesale operating cost to the dispensary.

6-401.

(a) (1) A Class D beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the place described in it, for consumption on the premises or elsewhere. A license may not be issued for any drugstore.

(x) (1) This subsection applies only in Wicomico County.

(5) Alcoholic beverages sold under the provisions of this section shall be consumed on the premises only.

(6) A person may not be on the premises who is under the legal DRINKING age [for the consumption of beer beer and light wine] ALCOHOL in ~~this~~ THE State.

8-412.

(A) IN THIS SECTION, "LICENSE" MEANS A BEER TASTING (BT) LICENSE, A WINE TASTING (WT) LICENSE, OR A BEER/WINE TASTING (BWT) LICENSE.

~~(a)~~ (B) This section applies only in Wicomico County.

~~(b)~~ (C) (1) The Board of License Commissioners may issue ~~the~~:

(I) ~~A BEER~~ BEER TASTING (BT) LICENSE FOR BEER TASTING AND SAMPLING;

(II) ~~A wine~~ WINE tasting (WT) license for wine tasting and sampling; AND

(III) ~~A BEER/WINE~~ BEER/WINE TASTING (BWT) LICENSE FOR BEER OR WINE TASTING AND SAMPLING.

(2) A ~~BT, WT, OR BWT~~ license may be issued only to a holder of a Class A beer and wine (off-sale) license ~~OR TO A HOLDER OF A CLASS A BEER, WINE AND LIQUOR (OFF-SALE) LICENSE.~~

~~(c)~~ (D) The annual [WT] ~~license~~ fee is [\$150]:

~~(i)~~ (1) FOR A BT LICENSE, \$150;

~~(ii)~~ (2) FOR A WT LICENSE, \$150; AND

~~(iii)~~ (3) FOR A BWT LICENSE, \$250.

~~(d)~~ (E) (1) An application for a ~~BT, WT, OR BWT license~~ a license shall be made on a form that the Board of License Commissioners provides.

(2) A renewal of ~~the BT, WT, OR BWT license~~ the license may be made at the time the Class A beer and wine (off-sale) license ~~OR~~ THE CLASS A BEER, WINE AND LIQUOR (OFF-SALE) LICENSE is renewed.

(3) The Board of License Commissioners may grant a ~~BT, WT, OR BWT~~ license without a hearing.

(4) If application for a ~~BT, WT, OR BWT~~ license *a license* is denied, the applicant may request a public hearing before the Board of License Commissioners.

~~(e) (F)~~ (1) [A WT license holder may not serve to any person for sampling or tasting purposes more than 1 ounce from each brand] ~~FOR SAMPLING OR TASTING PURPOSES, A PERSON MAY NOT BE SERVED MORE THAN:~~

~~(I) 3 OUNCES FROM EACH BRAND OF BEER; OR~~

~~(II) 1 OUNCE FROM EACH BRAND OF WINE.~~

~~(2) (I) A MAXIMUM OF SIX CONTAINERS OF BEER MAY BE OPEN AT ANY ONE TIME AT A BEER SAMPLING OR TASTING EVENT.~~

~~(II) A maximum of six bottles OF WINE may be open at any one time at a wine sampling or tasting event~~ AN INDIVIDUAL MAY BE SERVED, FOR SAMPLING OR TASTING PURPOSES, NOT MORE THAN:

(I) 1 OUNCE OF WINE FROM EACH BRAND; OR

(II) 3 OUNCES OF BEER FROM EACH BRAND.

(2) A MAXIMUM OF:

(I) SIX BOTTLES OF WINE MAY BE OPEN AT ANY ONE TIME AT A WINE OR BEER AND WINE SAMPLING OR TASTING EVENT; OR

(II) SIX CONTAINERS OF BEER MAY BE OPEN AT ANY ONE TIME AT A BEER OR BEER AND WINE SAMPLING OR TASTING EVENT.

(3) The total number of days during which BEER, WINE, OR BEER ~~OR~~ AND wine sampling or tasting events are held may not exceed ~~15~~ 20 in any period for which a ~~BT, WT, OR BWT~~ license is in effect.

(4) ~~A BT, WT, OR BWT~~ license *A license* holder shall notify the Board of License Commissioners in writing at least 5 days before a BEER, WINE, OR BEER ~~OR AND~~ wine sampling or tasting event.

(5) Once opened, each ~~CONTAINER OR~~ bottle OR CONTAINER used for a BEER, WINE, OR BEER OR AND wine sampling or tasting event shall be marked that it is to be used for that purpose only.

(6) The contents of each ~~CONTAINER OR~~ bottle OR CONTAINER may not be mixed with any other ~~CONTAINER OR~~ bottle OR CONTAINER, and all ~~CONTAINERS AND~~ bottles AND CONTAINERS shall be destroyed once they are empty.

~~(F)~~ (G) (1) A ~~BT, WT, OR BWT~~ license is for on-premises consumption only.

(2) [Wine] ~~BEER OR WINE~~ BEER, WINE, OR BEER AND WINE sampling or tasting may not be conducted from a drive-through window.

~~(G)~~ (H) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

12-104.

(e) (5) (i) This paragraph applies only in Wicomico County.

(ii) Subject to subparagraphs (iii) and (iv) of this paragraph, [the Board of License Commissioners] THE COMPTROLLER may issue one Class 6 pub-brewery license or one Class 7 micro-brewery license, but not both, to a person that holds not more than three Class B beer, wine and liquor licenses.

(iii) ~~[A] ONE~~ Class 6 pub-brewery license or ~~for ONE~~ Class 7 micro-brewery license issued under subparagraph (ii) of this paragraph ~~BUT NOT BOTH~~ may be issued only for a location in an enterprise zone [in the City of Salisbury].

(iv) ~~A holder of a Class 7 micro-brewery license issued under subparagraph (ii) of this paragraph may sell beer for off-premises consumption only to a wholesaler licensed under this article.~~

12-302.

~~(a) Unless provision is made elsewhere, the following provisions apply statewide to persons who are employed in licensed establishments:~~

~~(1) A person under age 18 may not be engaged in the sale of alcoholic beverages.~~

~~(2) Except for Class D beer, wine and liquor licensees as provided in paragraph (3) of this subsection, a person between ages 18 and 21 may be employed in the sale of beer and light wine.~~

~~(3) A person under age 21 may not be employed by any holder of a Class D beer, wine and liquor license in the sale of alcoholic beverages.~~

~~(4) A person 18 years old and older may be employed by a Class A licensee to operate a lottery ticket terminal.~~

(b) In the following jurisdictions the specified exceptions to subsection (a) of this section apply:

(13) IN WICOMICO ~~COUNTY~~ COUNTY, ~~A PERSON~~ AN INDIVIDUAL WHO IS AT LEAST 16 YEARS OLD AND HAS A WORK PERMIT MAY BE EMPLOYED AT A LICENSED PREMISES TO STOCK ALCOHOLIC BEVERAGES OR CLEAR TABLES AND BAR AREAS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.