

Chapter 148

(House Bill 400)

AN ACT concerning

Garrett County – Wine Festival License – Qualifications – Hearing and Notice

FOR the purpose of altering the requirements for a wine festival license in Garrett County to allow certain additional applicants to be issued the license; requiring that the Board of License Commissioners hold a hearing before a license is issued; requiring that the Board publish a certain notice before a certain time; and generally relating to alcoholic beverages licenses in Garrett County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–308.2
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

8–308.2.

(a) In this section, “Board” means the Garrett County Board of License Commissioners.

(b) This section applies only in Garrett County.

(c) The Board may issue annually one wine festival license.

(d) Notwithstanding any other provision of this article, an applicant for a wine festival license shall:

(1) [be a holder] **HOLD**, within the county, [of] an existing retail alcoholic beverages license, State Class 3 winery license, or State Class 4 limited winery license; **OR**

(2) **BE ELIGIBLE FOR ANY TYPE OF SPECIAL CLASS C LICENSE THAT THE BOARD ISSUES.**

(e) A wine festival licensee shall:

- (1) Only display and sell wine that is:
 - (i) Manufactured and processed in any state;
 - (ii) Price filed in accordance with regulations adopted by the Comptroller; and
 - (iii) Distributed in the State at the time the application is filed;and
 - (2) Display and sell wine at retail for consumption on or off the licensed premises on the days and for the hours designated for the wine festival.
- (f) The Board shall:
- (1) Establish the license fee;
 - (2) Approve one or two days, excluding Sunday, annually for the wine festival provided that the days selected do not occur on the same weekend as the Maryland Wine Festival; and
 - (3) Approve a location in the county that is not licensed under this article for the wine festival.
- (g) (1) Products to be displayed and sold at the wine festival shall be:
- (i) Invoiced to the wine festival license holder by a licensed State wholesaler, winery, or limited winery; and
 - (ii) Delivered to the wine 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 beer and wine 2 days prior to the effective date of the wine festival license and to accept returns 2 days after the expiration date of the wine festival license.
- (h) Notwithstanding § 11–512(c) of this article, a wine festival license issued for use in election district 11 or 15 authorizes Sunday sales:
- (1) To begin at 10 a.m.; and
 - (2) To be made without a consumer placing an order for a meal simultaneously or before placing an order for an alcoholic beverage.

(I) THE BOARD SHALL:

(1) HOLD A HEARING ON EACH APPLICATION FOR A WINE FESTIVAL LICENSE; AND

(2) PUBLISH A NOTICE OF THE APPLICATION ONE TIME AT LEAST 7 DAYS BEFORE THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

[(i)] (J) The Board shall adopt regulations to implement this section.

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

Approved by the Governor, April 13, 2010.