

**Department of Legislative Services**  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**

House Bill 451

(Delegate Elmore)

Economic Matters

Education, Health, and Environmental Affairs

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**Somerset County - Alcoholic Beverages - Sales to Underage Drinkers - Local  
Caterer's License Created**

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This bill authorizes the Somerset County Board of License Commissioners to issue a local caterer's license to the holders of specified Class B restaurant or hotel (on-sale) licenses. The annual license fee is \$550.

The bill takes effect July 1, 2010.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Somerset County revenues increase by \$550 annually for each caterer's license issued. Potential minimal increase in fine revenue. Expenditures are not affected.

**Small Business Effect:** Potential meaningful. The new licenses may result in increased sales for eligible establishments.

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**Analysis**

**Bill Summary:** The caterer's license authorized by the bill allows the holder of a Class B restaurant or hotel (on-sale) beer and light wine license to provide beer and light wine at events that are held off the Class B restaurant or hotel licensed premises; and the holder of a Class B restaurant or hotel beer, wine, and liquor license to provide alcoholic beverages at events that are held off the Class B restaurant or hotel licensed premises. License holders must also provide food at a catered event.

The Somerset County Board of License Commissioners is authorized to proceed administratively against a licensee who is granted probation before judgment for a violation of the prohibitions against the sale of an alcoholic beverage to a person under age 21 or to a person who was visibly under the influence of alcohol.

**Current Law:** The Somerset County Board of License Commissioners is not authorized to issue a caterer's license.

A licensee or any employee of a licensee may not sell any alcoholic beverage to a person under age 21 or to a person who is visibly under the influence of alcohol. A licensee who violates these prohibitions is guilty of a misdemeanor, unless the licensee can prove that due caution was used (such as through the acceptance of a purchaser's Maryland issued driver's license or identification card, or a U.S. military identification card). Following a licensee's conviction, or upon being placed on probation without a verdict, liquor licensing authorities are barred from any further proceedings against the licensee except in Cecil, Charles, Dorchester, Garrett, Howard, Kent, Montgomery, St. Mary's, Washington, and Wicomico counties and the City of Annapolis.

Unless a specific penalty has been provided by the county, a convicted individual is also subject to a fine of up to \$1,000.

**Background:** In Somerset County there is one establishment with a Class B beer and light wine license and five establishments with a Class B beer, wine, and liquor license.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Somerset County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2010  
mpc/hlb

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