

# SENATE BILL 102

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CF HB 947

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By: **Senators Pipkin and Colburn**

Introduced and read first time: January 21, 2011

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Caroline County – Alcoholic Beverages Act of 2011**

3 FOR the purpose of increasing the number of times a Class BWTS beer and wine  
4 (on-premises) tasting or sampling license may be granted in a calendar year to  
5 a person in Caroline County; altering the hours of sale for certain licensees in  
6 the county; requiring that a licensee in the county or an employee of the licensee  
7 be certified by an approved alcohol awareness program and, except under  
8 certain circumstances, be present during the hours in which alcohol may be  
9 sold; making a stylistic change; and generally relating to alcoholic beverages in  
10 Caroline County.

11 BY repealing and reenacting, without amendments,  
12 Article 2B – Alcoholic Beverages  
13 Section 8-404.2(a) and (b) and 13-101(c)(1)  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2010 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article 2B – Alcoholic Beverages  
18 Section 8-404.2(i), 8-507.1(g), 11-301(a) and (d)(2), 11-302(a), (c), and (d),  
19 11-303(a) and (d)(4), 11-506, and 13-101(c)(2)  
20 Annotated Code of Maryland  
21 (2005 Replacement Volume and 2010 Supplement)

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**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.



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

3 **Article 2B – Alcoholic Beverages**

4 8–404.2.

5 (a) This section applies only in Caroline County.

6 (b) The Board of License Commissioners may issue a 1–day Class BWTS  
7 beer and wine (on–premises) tasting or sampling license.

8 (i) A Class BWTS license may not be granted to a person more than [12] 26  
9 times in a calendar year.

10 8–507.1.

11 (g) The hours and days for sale for a Class GC 7–day (golf course) beer, wine  
12 and liquor license are [as follows:

13 (1) Monday through Saturday from 6 a.m. to 2 a.m. the following day;  
14 and

15 (2) Sunday from 1 p.m. to 12 midnight] FROM 6 A.M. TO 2 A.M. THE  
16 FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

17 11–301.

18 (a) (1) Except as otherwise provided in this subsection, the hours during  
19 which the privileges conferred by a Class A beer license may be exercised are from 6  
20 a.m. to midnight, on every day except Sunday.

21 (2) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM  
22 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

23 [(2)] (3) In Frederick County, the hours of operation are:

24 (i) On Monday through Saturday, from 6 a.m. to 2 a.m. the  
25 following day; and

26 (ii) On Sunday, from 11 a.m. to 2 a.m. the following day.

27 [(3)] (4) In Montgomery County the hours are as provided in §  
28 11–516(d)(1).

29 [(4)] (5) In Prince George’s County the hours are from 6 a.m. to 2  
30 a.m. on the day following, except on Sunday when sales are not permitted after 2 a.m.

1 [(5)] (6) In Washington County, the hours of sale are as provided  
2 under § 11-522 of this article.

3 (d) (2) In Caroline County the hours are from 6 a.m. [Monday through  
4 Saturday until 1 a.m. on the following day (including Sunday)] TO 2 A.M. THE  
5 FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

6 11-302.

7 (a) (1) Except as otherwise provided in this subsection, the hours during  
8 which the privileges conferred by a Class A beer and light wine license may be  
9 exercised are from 6 a.m. to midnight on every day except Sunday.

10 (2) In the Park Heights Redevelopment Area that is specified in the  
11 Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale begin  
12 at 9 a.m. each day.

13 (3) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM  
14 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

15 [(3)] (4) In Frederick County, the hours of operation are:

16 (i) On Monday through Saturday, from 6 a.m. to 2 a.m. the  
17 following day; and

18 (ii) On Sunday, from 11 a.m. to 2 a.m. the following day.

19 [(4)] (5) In Montgomery County the hours are as provided in §  
20 11-516(d)(1).

21 [(5)] (6) In Prince George's County the hours are from 6 a.m. to 2  
22 a.m. on the following day except on Sunday when sales are not permitted after 2 a.m.

23 (c) (1) The hours during which the privileges conferred by a Class C beer  
24 and light wine license may be exercised are from 6 a.m. to midnight.

25 (2) Except as otherwise provided in subsections (h) and (i) of this  
26 section, in Baltimore City the hours are from 6 a.m. to 2 a.m. on the following day.

27 (3) In Baltimore County the hours are from 6 a.m. to 2 a.m. on the  
28 following day.

29 (4) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM  
30 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

1            ~~[(4)] (5)~~     In Montgomery County, except as provided in § 11-516 of  
2 this article, sales may not be made before 11 a.m.

3            ~~[(5)] (6)~~     In Prince George's County the hours are from 6 a.m. to 2  
4 a.m. on the following day.

5            (d)    (1)     The hours during which the privileges conferred by a Class D beer  
6 and light wine license may be exercised are from 6 a.m. to midnight.

7            (2)     Except as otherwise provided in subsections (h), (i), and (j) of this  
8 section, in Baltimore City the hours are from 6 a.m. to 1 a.m. on the following day.

9            (3)     In Baltimore County the hours are from 6 a.m. to 2 a.m. Monday  
10 through Sunday.

11            **(4)     IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM**  
12 **6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.**

13            ~~[(4)] (5)~~     In Montgomery County, except as provided in § 11-516 of  
14 this article, the hours for on-sale are from 9 a.m. on any day to 1 a.m. on the following  
15 day.

16            ~~[(5)] (6)~~     In Prince George's County the hours are from 6 a.m. to 2  
17 a.m. on the following day.

18            ~~[(6)] (7)~~     In Wicomico County, notwithstanding the provisions of  
19 paragraph (1) of this subsection, the hours on Sunday are from noon to midnight only  
20 by bowling alleys as defined in § 1-102(b)(4) of this article.

21 11-303.

22            (a)    (1)     The hours during which the privileges conferred by a Class A beer,  
23 wine and liquor license may be exercised are from 6 a.m. to midnight, on every day  
24 except Sunday.

25            (2)     The provisions of paragraph (1) of this subsection are superseded  
26 as follows:

27                    (i)     In Annapolis, the hours may be fixed by the Mayor,  
28 Counselor, and Aldermen of the City of Annapolis;

29                    (ii)    In the Park Heights Redevelopment Area that is specified in  
30 the Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale  
31 begin at 9 a.m. each day;

32            **(III)    IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE**  
33 **FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY;**

1 [(iii)] (IV) In Carroll County, the privileges conferred by a Class  
 2 A beer, wine and liquor license may be exercised from 11 a.m. to 6 p.m. on Sunday;

3 [(iv)] (V) In Frederick County holders of a Class A beer, wine  
 4 and liquor (off-sale) license may sell beer, wine and liquor for off-premises  
 5 consumption on:

6 1. Monday through Saturday, from 6 a.m. to 2 a.m. the  
 7 following day; and

8 2. Sunday, from 11 a.m. to 2 a.m. the following day, if  
 9 they hold a special Sunday opening permit;

10 [(v)] (VI) In Kent County, the provisions of § 11-515 of this  
 11 article apply;

12 [(vi)] (VII) In St. Mary's County, holders of a Class A-1 license  
 13 may sell on Sunday; and

14 [(vii)] (VIII) In Talbot County, the hours are from 8 a.m. to 12  
 15 midnight.

16 (d) (4) In Caroline County the hours [on Monday through Saturday are  
 17 from 6 a.m. to 2 a.m. on the following day (including Sunday) for a 6-day license  
 18 holder. For a 7-day license holder the hours on Monday through Saturday are from 6  
 19 a.m. to 2 a.m. the following day (including Sunday), and on Sunday, from 1 p.m. to  
 20 midnight] **FOR A 6-DAY LICENSE HOLDER AND A 7-DAY LICENSE HOLDER ARE**  
 21 **FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

22 11-506.

23 Notwithstanding any other provision of this subtitle, in Caroline County the  
 24 following licensees may sell alcoholic beverages [between the hours of 12 o'clock  
 25 midnight and 2 o'clock a.m. and between 12 o'clock noon and 12 o'clock midnight on  
 26 Sunday] **FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH**  
 27 **SUNDAY:**

- 28 (1) Class B and C beer;
- 29 (2) Class H beer and light wine;
- 30 (3) Class B beer, wine and liquor (7 day); and
- 31 (4) Class C beer, wine and liquor.

32 13-101.

1 (c) (1) A holder of any class of retail alcoholic beverages license or an  
 2 employee designated by the holder shall complete training in an approved alcohol  
 3 awareness program. The training shall be valid for a period of 4 years, and the holder  
 4 shall complete retraining in an approved program for each successive 4-year period.

5 (2) (i) This paragraph applies only in the following jurisdictions:

- 6 1. Howard County;
- 7 2. Montgomery County;
- 8 3. Kent County;
- 9 4. Washington County; [and]
- 10 5. **CAROLINE COUNTY; AND**

11 [5.]6. Except as provided in subparagraph (ii) of this  
 12 paragraph, Wicomico County.

13 (ii) This paragraph does not apply to a licensee in Wicomico  
 14 County with a Class C license.

15 (iii) The licensee or a person who is employed in a supervisory  
 16 capacity designated by the licensee:

17 1. Shall be certified by an approved alcohol awareness  
 18 program; and

19 2. Except as otherwise provided in subparagraph (iv) of  
 20 this paragraph, be present during the hours in which alcohol may be sold.

21 (iv) 1. In Howard County, Kent County, Washington County,  
 22 and Wicomico County, the person certified by an approved alcohol awareness program  
 23 may be absent from the licensed premises for a bona fide personal or business reason  
 24 or an emergency, if the absence lasts for [no] **NOT** more than 2 hours.

25 2. **IN CAROLINE COUNTY, THE PERSON CERTIFIED**  
 26 **BY AN APPROVED ALCOHOL AWARENESS PROGRAM MAY BE ABSENT FROM THE**  
 27 **LICENSED PREMISES FOR A BONA FIDE EMERGENCY, IF THE ABSENCE LASTS**  
 28 **FOR NOT MORE THAN 2 HOURS.**

29 [2.]3. The Board of License Commissioners shall require the  
 30 licensee to keep a log book on the licensed premises that contains documentation of  
 31 each temporary absence, the length of time of the absence, and the reason for the  
 32 absence, in the form required by the Board of License Commissioners.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    July 1, 2011.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.