

**SB0437/494636/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 437

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Follow-Up” and substitute “Middletown Wine Festival License and”; in line 4, after “of” insert “creating in Frederick County a Middletown Wine Festival License; authorizing the Frederick County Board of License Commissioners to issue the license to a holder of certain licenses; specifying that the license entitles the holder to display and sell at retail wine for consumption on or off the premises on the days and for the hours designated for the Middletown Wine Festival; requiring the Board to ensure that the primary focus of the Middletown Wine Festival is the promotion of wine produced in Frederick County; requiring a license holder to display and sell wine that is distributed in the State; providing for a license fee; specifying that certain provisions of this Act do not prohibit a license holder from holding another license of a different class or nature; authorizing the Burgess and Commissioners of Middletown to hold not more than a certain number of Middletown Wine Festivals annually; requiring the Burgess and Commissioners to choose certain festival locations; authorizing the Burgess and Commissioners to adopt certain regulations; requiring the Board to apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a certain criminal history records check for each alcoholic beverages license applicant; requiring the Board to submit certain fingerprints and certain fees to the Central Repository under certain circumstances; providing that certain information obtained from the Central Repository is confidential, may not be disseminated, and may be used only for a certain purpose; authorizing the subject of a criminal history records check to contest the contents of a certain printed statement as provided under certain provisions of law;”; in line 4, strike “Criminal Justice Information System”; in line 5, strike “of the Department of Public Safety and Correctional Services”; in line 6, strike “of License Commissioners of Frederick County”; in line 7, strike “license applicant or”; in line 11, after “circumstances;” insert “defining a certain term; making certain technical corrections; making stylistic changes;”; and after line 12, insert:

(Over)

“BY renumbering

Article 2B – Alcoholic Beverages  
Section 8-308.2  
to be Section 8-308.3  
Annotated Code of Maryland  
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages  
Section 8-211(a)  
Annotated Code of Maryland  
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages  
Section 8-211(d-1)  
Annotated Code of Maryland  
(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages  
Section 8-308.2  
Annotated Code of Maryland  
(2011 Replacement Volume)”.

AMENDMENT NO. 2

On page 1, after line 17, insert:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8-308.2 of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 8-308.3.”;

in line 18, strike “1.” and substitute “2. AND”; in the same line, after “IT” insert “FURTHER”; strike beginning with “BY” in line 18 down through “MARYLAND” in line 19; and after line 20, insert:

“8-211.

(a) The provisions of this section apply only in Frederick County.

(d-1) (1) The Board of License Commissioners may issue within the municipal boundaries of the municipal corporation of Middletown:

(i) Class A, B, or C beer licenses; [or]

(ii) Class B beer, wine and liquor (on-sale) licenses if the licensed premises derive at least 70% of its monthly gross revenue from the sale of food; OR

**(iii) MIDDLETOWN WINE FESTIVAL LICENSES.**

(2) In all other areas of the Middletown (3rd) election district, the Board of License Commissioners may only issue:

**(i) Class A, B, or C beer licenses; OR**

**(ii) MIDDLETOWN WINE FESTIVAL LICENSES.**

8-308.2.

**(A) THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.**

(Over)

(B) THERE IS A SPECIAL MIDDLETOWN WINE FESTIVAL (MWF) LICENSE.

(C) THE FREDERICK COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL MWF LICENSE TO A HOLDER OF A STATE CLASS 3 WINERY LICENSE OR A STATE CLASS 4 LIMITED WINERY LICENSE.

(D) A SPECIAL MWF LICENSE ENTITLES THE HOLDER TO DISPLAY AND SELL AT RETAIL WINE FOR CONSUMPTION ON OR OFF THE PREMISES ON THE DAYS AND FOR THE HOURS DESIGNATED FOR THE MIDDLETOWN WINE FESTIVAL.

(E) (1) THE BOARD SHALL ENSURE THAT THE PRIMARY FOCUS OF THE MIDDLETOWN WINE FESTIVAL IS THE PROMOTION OF WINE PRODUCED IN FREDERICK COUNTY.

(2) A HOLDER OF A SPECIAL MWF LICENSE SHALL DISPLAY AND SELL WINE THAT IS DISTRIBUTED IN THE STATE.

(F) THE SPECIAL MWF LICENSE FEE IS \$20.

(G) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A SPECIAL MWF LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR NATURE.

(H) THE BURGESS AND COMMISSIONERS OF MIDDLETOWN:

(1) MAY HOLD NOT MORE THAN TWO 1-DAY MIDDLETOWN WINE FESTIVALS ANNUALLY ON THE DAYS THAT THE BURGESS AND COMMISSIONERS CHOOSE; AND

(2) SHALL CHOOSE FESTIVAL LOCATIONS THAT ARE NOT LICENSED UNDER THIS ARTICLE.

(I) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.”.

On page 2, in line 29, strike “2.” and substitute “3.”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 2 through 11, inclusive, and substitute:

“1. THIS SUBPARAGRAPH APPLIES ONLY IN FREDERICK COUNTY.

2. IN THIS SUBPARAGRAPH, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

3. THE BOARD OF LICENSE COMMISSIONERS SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH ALCOHOLIC BEVERAGES LICENSE APPLICANT.

4. AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE BOARD OF LICENSE COMMISSIONERS SHALL SUBMIT TO THE CENTRAL REPOSITORY:

A. TWO COMPLETE SETS OF THE APPLICANT'S FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

B. THE FEE AUTHORIZED IN § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

C. THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

5. IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE BOARD OF LICENSE COMMISSIONERS THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

6. INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBPARAGRAPH:

A. IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

**B. MAY BE USED ONLY FOR LICENSING PURPOSES UNDER THIS SUBPARAGRAPH.**

**7. THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBPARAGRAPH MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED UNDER § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.**;

in lines 12, 20, and 27, respectively, strike “**2.**”, “**3.**”, and “**4.**”, respectively, and substitute “**8.**”, “**9.**”, and “**10.**”, respectively; in line 13, strike “**AN APPLICANT OR**” and substitute “**A**”; strike beginning with “**CRIMINAL**” in line 13 down through “**SYSTEM**” in line 14; strike beginning with “**OF**” in line 14 down through “**SERVICES**” in line 15; in lines 18 and 19, strike “**APPLICANT OR**”; in line 21, strike “**CRIMINAL JUSTICE INFORMATION SYSTEM**”; strike beginning with “**OF**” in line 22 down through “**SERVICES**” in line 23; and in line 23, strike “**AN APPLICANT OR**” and substitute “**A**”.