

HOUSE BILL 716

A2

2lr2673

By: **Delegates Hershey, Jacobs, and Smigiel**

Introduced and read first time: February 8, 2012

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2012

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Queen Anne’s County – Beer and Wine Festivals**

3 FOR the purpose of authorizing the Queen Anne’s County Board of License
4 Commissioners to issue a certain number of Beer and Wine Festival (BWF)
5 licenses in the county each year; authorizing the Board to select a certain
6 number of weekends each year for a certain festival; requiring the Board to
7 choose a certain location for a certain festival and to assure that the primary
8 focus of a certain festival is the promotion of certain beer and wine; altering a
9 certain definition; and generally relating to beer and wine festivals in Queen
10 Anne’s County.

11 BY repealing and reenacting, with amendments,
12 Article 2B – Alcoholic Beverages
13 Section 8–311
14 Annotated Code of Maryland
15 (2011 Replacement Volume)

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

18 **Article 2B – Alcoholic Beverages**

19 8–311.

20 (a) (1) In this section the following words have the meanings indicated.

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 (2) “Board” means the Queen Anne’s County Board of License
2 Commissioners.

3 (3) “Festival” means [the Queen Anne’s County Beer and Wine
4 Festival (QABWF)] **A BEER AND WINE FESTIVAL (BWF) IN QUEEN ANNE’S**
5 **COUNTY.**

6 (b) This section applies only in Queen Anne’s County.

7 (c) The Board may issue a special festival license.

8 (d) Notwithstanding any other provision of this article, an applicant for a
9 special festival license shall be a holder of an existing State retail alcoholic beverages
10 license, State Class 3 winery license, or State Class 4 limited winery license issued
11 under this article.

12 (e) A special festival licensee shall:

13 (1) Only display and sell:

14 (i) Wine that is:

15 1. Manufactured and processed in any state;

16 2. Price filed in accordance with regulations adopted by
17 the Comptroller; and

18 3. Distributed in the State at the time the application is
19 filed; and

20 (ii) Beer that is brewed by a brewer:

21 1. Who brews less than 60,000 barrels of beer annually;
22 and

23 2. Whose product is distributed in the State at the time
24 the application is filed;

25 (2) Display and sell beer and wine at retail for consumption on or off
26 the licensed premises on the days and for the hours designated for the Festival; and

27 (3) Display and sell wine that is manufactured and processed in any
28 state at retail for consumption off the licensed premises on the days and for the hours
29 designated for the Festival.

1 (f) This section does not prohibit the holder of a special festival license from
2 holding another alcoholic beverages license of a different class or nature.

3 (g) The Board:

4 (1) May establish the license fee;

5 (2) May select [one weekend] **A MAXIMUM OF 4 WEEKENDS EACH**
6 **YEAR**, Friday through Sunday inclusive, [annually] for [the] A Festival provided that
7 the weekend that is selected does not occur within 14 days on either side of the
8 Maryland Wine Festival;

9 (3) Shall choose a location in the county for [this] A Festival which is
10 not licensed under this article; and

11 (4) Shall assure that the primary focus of [the] A Festival is the
12 promotion of Maryland beer and wine.

13 (h) (1) Products displayed and sold shall be:

14 (i) Invoiced to the festival license holder by a licensed State
15 wholesaler, winery, or limited winery; and

16 (ii) Delivered to the Festival from the licensed premises of the
17 wholesaler, winery, or limited winery.

18 (2) Whenever a festival license is issued pursuant to this subsection,
19 holders of wholesale, winery, or limited winery licenses may enter into an agreement
20 with the holder of a festival license to deliver beer and wine 2 days prior to the
21 effective date, and to accept returns 2 days after the expiration date of the festival
22 license.

23 (i) The Board shall adopt regulations for implementing this section.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2012.