

HOUSE BILL 1266

A1

2lr2553

By: **Delegate Kramer**

Introduced and read first time: February 13, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Sunday Sales**

3 FOR the purpose of authorizing a local licensing board that issues alcoholic beverages
4 licenses to adopt rules allowing the sale of alcoholic beverages during a certain
5 time from Sunday to the following Monday; specifying that rules of a local
6 licensing board regarding Sunday sales supersede statewide alcoholic beverages
7 laws; and generally relating to local licensing boards and the sale of alcoholic
8 beverages on Sunday.

9 BY repealing and reenacting, without amendments,
10 Article 2B – Alcoholic Beverages
11 Section 1–102(a)(1) and (19)
12 Annotated Code of Maryland
13 (2011 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article 2B – Alcoholic Beverages
16 Section 11–403
17 Annotated Code of Maryland
18 (2011 Replacement Volume)

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

21 **Article 2B – Alcoholic Beverages**

22 1–102.

23 (a) (1) In this article the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (19) “Local licensing board” means a board of license commissioners of a
2 county or the Mayor and Aldermen of the City of Annapolis.

3 11–403.

4 (A) (1) A LOCAL LICENSING BOARD MAY ADOPT RULES TO ALLOW A
5 PERSON HOLDING A LICENSE ISSUED BY THE LOCAL LICENSING BOARD TO SELL
6 ALCOHOLIC BEVERAGES ALLOWED UNDER THE LICENSE DURING ANY PERIOD
7 FROM SUNDAY AT 10 A.M. TO 2 A.M. THE FOLLOWING MONDAY.

8 (2) THE RULES OF A LOCAL LICENSING BOARD ADOPTED UNDER
9 PARAGRAPH (1) OF THIS SUBSECTION SUPERSEDE THE PROVISIONS OF THIS
10 ARTICLE.

11 [(a)] (B) (1) A retail dealer holding a Class B or C license may not sell
12 any alcoholic beverage at a bar or counter on Sunday.

13 (2) (i) This paragraph does not apply in the City of Annapolis.

14 (ii) In Anne Arundel County a licensee may sell, vend, serve,
15 deliver and/or a patron may consume any alcoholic beverages permitted by law to be
16 sold at any bar or counter on any day on which the sale of alcoholic beverages is
17 permitted by law.

18 (3) (i) Except for the Class B Sunday off–sale license prohibition in
19 the 47th alcoholic beverages district in Baltimore City as provided for in § 6–201(d) of
20 this article, in Baltimore City a Class B and a Class C beer and light wine or beer,
21 wine and liquor licensee may sell alcoholic beverages at a bar or counter on Sunday.

22 (ii) 1. Subject to the conditions provided in
23 subparagraph 2 of this subparagraph and in addition to subparagraph (iii) of this
24 paragraph, in Baltimore City, a holder of a Class A retail alcoholic beverages license
25 may exercise the off–sale license privilege on the Sundays that fall between
26 Thanksgiving Day and New Year’s Day from 1 p.m. to 9 p.m.

27 2. The holder of a Class A retail off–sale license may
28 exercise the additional privilege authorized by this subparagraph in any year in which
29 a supplementary license fee of \$75 has been paid prior to October 1 for each day the
30 additional privilege is to be exercised.

31 (iii) 1. The holder of a Class A retail alcoholic beverages
32 license in Baltimore City may exercise the off–sale privilege on two additional
33 Sundays during the calendar year.

34 2. A holder shall pay a license fee of \$75 at least 2 weeks
35 before each time the privilege is exercised under this subparagraph.

1 (4) (i) This paragraph applies only in Baltimore County.

2 (ii) A Class B and a Class C beer and light wine or beer, wine
3 and liquor licensee may sell alcoholic beverages at a bar or counter on Sunday.

4 (iii) Between the hours of 7 a.m. and 9 p.m., a holder of any class
5 of retail off-sale alcoholic beverages license may exercise the off-sale license privilege
6 on the Sunday preceding Christmas Day, the Sunday preceding New Year's Day, the
7 Sunday preceding Rosh Hashanah, and the Sunday preceding Yom Kippur.

8 (iv) A holder of a Class A beer and light wine or beer, wine and
9 liquor license may exercise the off-sale license privilege on the 2 Sundays preceding
10 Passover if:

11 1. That holder does not exercise the off-sale privilege on
12 the 2 Saturdays preceding Passover;

13 2. The off-premises sales are conducted on those
14 Sundays between the hours of 6 a.m. and 12 midnight; and

15 3. The sales are limited to alcoholic beverages that are
16 "kosher for Passover".

17 (5) In Caroline County a Class B and Class C beer or beer, wine and
18 liquor licensee may sell alcoholic beverages at a bar or counter on Sunday.

19 (6) The prohibition specified in paragraph (1) of this subsection does
20 not apply in Carroll County.

21 (7) In Prince George's County, a Class B and Class C beer or beer,
22 wine and liquor licensee may sell alcoholic beverages at a bar or counter on Sunday
23 when December 24 and 31 fall on a Sunday.

24 (8) (i) In Washington County, except as provided in subparagraphs
25 (ii) and (iii) of this paragraph, a Class A, Class B, and Class C on-sale licensee may
26 sell alcoholic beverages on Sunday from 12 noon to 12 midnight.

27 (ii) A Class B and Class C on-sale licensee may sell alcoholic
28 beverages on Sunday from 11 a.m. to 12 noon in Washington County if:

29 1. The consumer places an order for a meal
30 simultaneously or before placing an order for an alcoholic beverage; or

31 2. The consumer is entitled to a meal on the licensed
32 premises as part of a prearranged event.

1 (iii) When a federal holiday falls on a Monday, a Class A, Class
2 B, Class C, or Class D on-sale licensee may sell alcoholic beverages from 12 noon on
3 the immediately preceding Sunday to 2 a.m. on Monday.

4 (9) In Garrett County, Sunday sales, where permitted, are governed
5 by subsection **[(b)(5)] (C)(5)** of this section, § 11-402 of this subtitle, and § 11-512 of
6 this title.

7 (10) The prohibition specified in paragraph (1) of this subsection does
8 not apply in Charles County.

9 (11) The prohibition specified in paragraph (1) of this subsection does
10 not apply in Dorchester County.

11 **[(b)] (C)** (1) (i) In the jurisdictions in which this subsection is
12 applicable, it is unlawful for anyone to sell or for any licensed dealer to deliver, give
13 away or otherwise dispose of any alcoholic beverages on Sunday.

14 (ii) Any person selling or any licensed dealer delivering, giving
15 away or otherwise disposing of such beverages in such jurisdictions on Sundays is
16 guilty of a misdemeanor and shall be fined not more than \$50 for the first offense and
17 not more than \$100, or imprisoned in the county jail for not more than 30 days, or both
18 for each succeeding offense.

19 (2) (i) This subsection is applicable to Caroline, Cecil, Garrett,
20 except as provided in paragraph (5) of this subsection, Harford, Kent, Queen Anne's,
21 except as provided in subparagraph (v) of this paragraph, Somerset, Talbot, and
22 Worcester (except as otherwise provided) counties.

23 (ii) It does not apply to or affect special Class C licenses issued
24 under the provisions of this article.

25 (iii) In Washington County this section:

26 1. Does not apply to any Class A, Class B, Class C, Class
27 D, and any special Sunday license from the hours of 12 noon to 12 midnight;

28 2. Does not apply to Sunday sales when New Year's Eve
29 or New Year's Day falls on a Sunday which is governed by § 11-402(w) of this article;

30 3. Provides that licensees selling alcoholic beverages on
31 Sunday, except for holders of Class A light wine licenses for wineries, shall pay an
32 annual fee of \$250 in addition to their annual license fee; and

33 4. Provides that licensees may purchase a 1 day on-sale
34 license for Sunday sale of alcoholic beverages when New Year's Eve falls on a Sunday.
35 The licensee shall pay a \$50 fee in addition to any other annual license fee.

1 (iv) In Kent County, the hours of sale on Sunday are as provided
2 under § 11–515 of this article.

3 (v) This section does not apply to holders of alcoholic beverages
4 retail dealer licenses issued in Queen Anne’s County.

5 (vi) In Caroline County, on Sunday:

6 1. A Class A 7–day licensee may sell the alcoholic
7 beverages authorized under the license from 8 a.m. to 12 midnight, except that if the
8 sale of liquor is authorized under the license, liquor may only be sold from 1:00 p.m. to
9 12 midnight;

10 2. A Class C (clubs) beer, wine and liquor licensee may
11 sell beer and wine:

12 A. From 12 midnight to 2 a.m.; and

13 B. From 8 a.m. to 12 midnight;

14 3. A Class C (clubs) beer, wine and liquor licensee may
15 sell liquor:

16 A. From 12 midnight to 2 a.m.; and

17 B. From 1 p.m. to 12 midnight;

18 4. A Class C (clubs) beer licensee may sell beer from 8
19 a.m. to 12 midnight;

20 5. A Class D (taverns) beer, wine and liquor licensee
21 may sell beer, wine, and liquor from 1 p.m. to midnight; and

22 6. A Class GC 7–day (golf course) beer, wine and liquor
23 licensee may sell beer, wine, and liquor from 1 p.m. to 12 midnight.

24 (vii) Notwithstanding the other provisions of this section and §
25 11–508 of this title, in Cecil County it is lawful for Class C (on–sale) (clubs) beer, beer
26 and light wine, or beer, wine and liquor licensees to permit the use and consumption of
27 alcoholic beverages between the hours of 8 a.m. on Sunday and 2 a.m. the following
28 day, and it is lawful for all classes of alcoholic beverage license holders to sell alcoholic
29 beverages between 12 midnight and 2 a.m. on Sundays.

30 (viii) In Worcester County the prohibition of this section is not
31 applicable to Class B beer, wine and liquor licenses regulated by the provisions of §
32 11–524 of this title.

1 (ix) Where the provisions of this section are in conflict with §§
2 11-402 and 11-513 of this title for Harford County §§ 11-402 and 11-513 shall
3 govern.

4 (x) For Somerset County the provisions of this section are
5 subordinate to § 11-520 of this title.

6 (xi) For Dorchester County the provisions are subordinate to §
7 11-510 of this title.

8 (3) In Talbot County it is lawful for a Class A beer licensee and a Class
9 B beer, wine and liquor licensee to sell beer between the hours of 8:00 a.m. and 10:00
10 p.m. on Sundays. Between the hours of 12:30 o'clock p.m. and 10:00 o'clock p.m. on
11 Sundays, it is lawful for a Class B or C beer licensee to sell beer and for a Class B or C
12 beer, wine and liquor licensee to sell beer, wine and liquor, provided that these
13 alcoholic beverages are consumed on the premises.

14 (4) In Allegany County, Sunday sales when New Year's Eve or New
15 Year's Day falls on a Sunday are governed by § 11-402(b) of this subtitle.

16 (5) (i) This paragraph applies only in Garrett County.

17 (ii) When New Year's Eve or New Year's Day falls on a Sunday,
18 sales shall be governed by § 11-402(m) of this subtitle.

19 (iii) Provisions for Sunday sales for Class B and C licensees are
20 governed by § 11-512(c) of this title.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2012.