

# HOUSE BILL 1436

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CF SB 1075

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By: **Delegates Conway and McDermott**

Introduced and read first time: March 2, 2012

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Worcester County – Alcoholic Beverages – Beer and Wine Festivals**

3 FOR the purpose of authorizing the Worcester County Board of License  
4 Commissioners to issue not more than a certain number of licenses each year  
5 for displaying and selling beer and wine at beer and wine festivals in the  
6 county; altering a certain definition; and generally relating to beer and wine  
7 festivals in Worcester County.

8 BY repealing and reenacting, with amendments,  
9 Article 2B – Alcoholic Beverages  
10 Section 8–314  
11 Annotated Code of Maryland  
12 (2011 Replacement Volume)

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

15 **Article 2B – Alcoholic Beverages**

16 8–314.

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

18 (2) “Board” means the Worcester County Board of License  
19 Commissioners.

20 (3) “Festival” means [the]:

21 (I) **THE** Worcester County Beer and Wine Festival (WBWF);

22 **OR**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**(II) A SIMILAR FESTIVAL FEATURING BEER AND WINE THAT  
THE BOARD APPROVES.**

(b) This section applies only in Worcester County.

(c) The Board may issue [a special festival license] **NOT MORE THAN  
THREE SPECIAL FESTIVAL LICENSES EACH YEAR.**

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

(e) A special festival licensee shall:

(1) Only display and sell:

(i) Wine that is:

1. Manufactured and processed in any state;
2. Price filed in accordance with regulations adopted by the Comptroller; and
3. Distributed in the State at the time the application is filed; and

(ii) Beer that is brewed by a brewer:

1. Who brews less than 60,000 barrels of beer annually; and
2. Whose product is distributed in the State at the time the application is filed;

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

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

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

(g) The Board:

1           (1)    May establish the license fee;

2           (2)    May select one weekend, Friday through Sunday inclusive,  
3 annually for [the] **EACH** Festival provided that the weekend that is selected does not  
4 occur on the same weekend as the Maryland Wine Festival;

5           (3)    Shall choose a location in the county for [this] **EACH** Festival  
6 which is not licensed under this article; and

7           (4)    Shall assure that the primary focus of the Festival is the promotion  
8 of Maryland beer and wine.

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

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

12                   (ii)   Delivered to [the] **EACH** Festival from the licensed premises  
13 of the wholesaler, winery, or limited winery.

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

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

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