

SENATE BILL 1040

A2

2lr3328
CF HB 1368

By: **Senators Brinkley and Young**

Introduced and read first time: February 23, 2012

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 7, 2012

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2012

CHAPTER _____

1 AN ACT concerning

2 **Frederick County – Middletown Wine Festival License**

3 FOR the purpose of creating in Frederick County a Middletown Wine Festival License;
4 authorizing the Frederick County Board of License Commissioners to issue the
5 license to a holder of certain licenses; specifying that the license entitles the
6 holder to display and sell at retail wine for consumption on or off the premises
7 on the days and for the hours designated for the Middletown Wine Festival;
8 ~~requiring that the Board shall ensure that the primary focus of the Middletown~~
9 ~~Wine Festival is the promotion of wine produced in Frederick County; requiring~~
10 ~~a license holder to display and sell wine that is distributed in the State;~~
11 providing for a license fee; specifying that this Act does not prohibit a license
12 holder from holding another license of a different class or nature; authorizing
13 the Burgess and Commissioners of Middletown to hold not more than a certain
14 number of Middletown Wine Festivals annually; requiring the Burgess and
15 Commissioners to choose certain festival locations; authorizing the Burgess and
16 Commissioners to adopt certain regulations; making certain technical
17 corrections; and generally relating to alcoholic beverages in Frederick County.

18 BY renumbering

19 Article 2B – Alcoholic Beverages

20 Section 8–308.2

21 to be Section 8–308.3

22 Annotated Code of Maryland

23 (2011 Replacement Volume)

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 BY repealing and reenacting, without amendments,
 2 Article 2B – Alcoholic Beverages
 3 Section 8–211(a)
 4 Annotated Code of Maryland
 5 (2011 Replacement Volume)

6 BY repealing and reenacting, with amendments,
 7 Article 2B – Alcoholic Beverages
 8 Section 8–211(d–1)
 9 Annotated Code of Maryland
 10 (2011 Replacement Volume)

11 BY adding to
 12 Article 2B – Alcoholic Beverages
 13 Section 8–308.2
 14 Annotated Code of Maryland
 15 (2011 Replacement Volume)

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 20 read as follows:

21 **Article 2B – Alcoholic Beverages**

22 8–211.

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

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

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

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

30 **(III) MIDDLETOWN WINE FESTIVAL LICENSES.**

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

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

1 (II) MIDDLETOWN WINE FESTIVAL LICENSES.

2 8-308.2.

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

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

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

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

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

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

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

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

22 ~~(H)~~ (G) THE BURGESS AND COMMISSIONERS OF MIDDLETOWN:

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

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

28 ~~(I)~~ (H) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT
29 REGULATIONS TO CARRY OUT THIS SECTION.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.