

Chapter 721

(House Bill 1368)

AN ACT concerning

Frederick County – Middletown Wine Festival License

FOR the purpose of 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 that the Board shall 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 this Act does 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; making certain technical corrections; and generally relating to alcoholic beverages in Frederick County.

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)

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.

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

Article 2B – Alcoholic Beverages

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.

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

~~**(G) (F)**~~ **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) (G)**~~ **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.

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

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

Approved by the Governor, May 22, 2012.