

HOUSE BILL 459

A2

3lr2188

By: **Delegate Otto**

Introduced and read first time: January 28, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Somerset County – Alcoholic Beverages – Beer and Wine Tasting License**

3 FOR the purpose of establishing in Somerset County a beer and wine tasting (BWT)
4 alcoholic beverages license for a holder of a beer, wine and liquor license or a
5 beer and wine license; specifying that a BWT license authorizes a holder to
6 serve certain alcoholic beverages for tasting purposes only and for no
7 consideration; requiring the County Board of License Commissioners to regulate
8 the quantity and number of bottles of certain alcoholic beverages to be served;
9 specifying license and issuance fees; repealing certain provisions relating to a
10 wine tasting license; prohibiting a holder from exercising the privileges of the
11 BWT license during any festival event; authorizing the Board to adopt certain
12 regulations; and generally relating to alcoholic beverages in Somerset County.

13 BY repealing and reenacting, with amendments,
14 Article 2B – Alcoholic Beverages
15 Section 8–410.2
16 Annotated Code of Maryland
17 (2011 Replacement Volume and 2012 Supplement)

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

20 **Article 2B – Alcoholic Beverages**

21 8–410.2.

22 (a) This section applies only in Somerset County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) The Board of License Commissioners may issue a **BEER AND** wine
2 tasting ~~[(WT)]~~ **(BWT) ALCOHOLIC BEVERAGES** license [for wine tasting and
3 sampling].

4 (2) [A WT license may be issued only to a holder of a Class A beer and
5 wine (off-sale) license] **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE**
6 **BOARD OF LICENSE COMMISSIONERS MAY ISSUE A BWT LICENSE TO A HOLDER**
7 **OF A BEER, WINE AND LIQUOR LICENSE OR A BEER AND WINE LICENSE.**

8 (3) **A BWT LICENSE AUTHORIZES THE CONSUMPTION OF BEER**
9 **OR WINE THAT MAY BE SOLD UNDER THE BEER, WINE AND LIQUOR LICENSE OR**
10 **THE BEER AND WINE LICENSE FOR TASTING PURPOSES ONLY AND FOR WHICH**
11 **NO CONSIDERATION MAY BE CHARGED.**

12 (4) **THE BOARD OF LICENSE COMMISSIONERS SHALL REGULATE:**

13 (i) **THE QUANTITY OF BEER OR WINE TO BE SERVED TO**
14 **EACH PERSON; AND**

15 (ii) **THE NUMBER OF BOTTLES OF BEER OR WINE FROM**
16 **WHICH THIS QUANTITY IS BEING SERVED.**

17 (c) (1) ~~[The]~~ **IN ADDITION TO THE COST OF THE BEER, WINE AND**
18 **LIQUOR LICENSE OR THE BEER AND WINE LICENSE, THE annual [WT] BWT**
19 **license fee is \$150.**

20 (2) **IN ADDITION TO THE ANNUAL BWT LICENSE FEE, THE**
21 **ISSUING FEE IS \$100.**

22 [(d) (1) An application for a WT license shall be made on a form that the
23 Board of License Commissioners provides.

24 (2) A renewal of the WT license may be made at the time the Class A
25 beer and wine (off-sale) license is renewed.

26 (3) The Board of License Commissioners may grant a WT license
27 without a hearing.

28 (4) If application for a WT license is denied, the applicant may request
29 a public hearing before the Board of License Commissioners.

30 (e) (1) A WT license holder may not serve to any person for sampling or
31 tasting purposes more than 1 ounce from each brand.

1 (2) A maximum of six bottles may be opened at any one time at a wine
2 sampling or tasting event.

3 (3) The total number of days during which wine sampling or tasting
4 events are held may not exceed 15 in any period for which a WT license is in effect.

5 (4) A WT license holder shall notify the Board of License
6 Commissioners in writing at least 5 days before a wine sampling or tasting event.

7 (5) Once opened, each bottle used for a wine sampling or tasting event
8 shall be marked that it is to be used for that purpose only.

9 (6) The contents of each bottle may not be mixed with any other bottle,
10 and all bottles shall be destroyed once they are empty.

11 (f) (1) A WT license is for on-premises consumption only.

12 (2) Wine sampling or tasting may not be conducted from a
13 drive-through window.]

14 **(D) THE PRIVILEGES GRANTED BY THIS BWT LICENSE MAY NOT BE**
15 **EXERCISED DURING A FESTIVAL EVENT.**

16 **(E) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT**
17 **REGULATIONS TO IMPLEMENT THIS SECTION.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2013.