

SENATE BILL 349

A2

(3lr1089)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Economic Matters* —

Introduced by **Senators Colburn and Mathias**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Wicomico County Liquor Act of 2013**

3 FOR the purpose of creating in Wicomico County a refillable container license;
4 authorizing the Board of License Commissioners to issue the license to a holder
5 of any class of alcoholic beverages license issued by the Board except a Class C
6 license, Class D license, Class B–Conference Center license, or Class B–Stadium
7 license; authorizing the holder of the license to sell draft beer for consumption
8 off the licensed premises in a certain refillable container; requiring a refillable
9 container to meet certain requirements; requiring an applicant for the license to
10 complete a certain form and pay a certain fee; requiring that certain applicants
11 meet certain advertising, posting of notice, and public hearing requirements;
12 specifying the term of the license; requiring that receipts collected under the
13 license be included in a certain calculation of average daily receipts; specifying
14 the hours of sale for the license; allowing a holder of the license to refill only a
15 refillable container that was branded by the license holder; authorizing the

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.

Italics indicate opposite chamber/conference committee amendments.



1 Board to adopt certain regulations related to the license; authorizing the holder
 2 of a Class B–Stadium license to sell certain alcoholic beverages *without meals;*
 3 *authorizing the holder to sell alcoholic beverages* in aluminum containers under
 4 certain circumstances; increasing the total number of days during which beer,
 5 wine, or beer and wine sampling or tasting events may be held during a period
 6 for which a certain license is in effect; repealing a certain requirement that the
 7 Board determine the time by which establishments shall cease serving alcoholic
 8 beverages on a certain date; extending the hours for which alcoholic beverages
 9 may be sold on Sundays under certain circumstances; exempting a certain
 10 holder of a refillable container license from a prohibition on refilling a certain
 11 container, under certain circumstances; making stylistic changes; and generally
 12 relating to alcoholic beverages in Wicomico County.

13 BY repealing and reenacting, with amendments,
 14 Article 2B – Alcoholic Beverages
 15 Section 7–101(w), 8–223, 8–412(f), 11–402(x), 11–523(c), and 12–113(c)
 16 Annotated Code of Maryland
 17 (2011 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, without amendments,
 19 Article 2B – Alcoholic Beverages
 20 Section 8–412(a), (b), and (c)
 21 Annotated Code of Maryland
 22 (2011 Replacement Volume and 2012 Supplement)

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

25 **Article 2B – Alcoholic Beverages**

26 7–101.

27 (w) (1) This subsection applies only in Wicomico County.

28 (2) (i) The Board of License Commissioners may issue a special
 29 Class C beer, beer and wine, or beer, wine and liquor license.

30 (ii) A special license entitles the holder to exercise any of the
 31 privileges conferred by that class of license at a bona fide entertainment event held by
 32 a fire department in the county.

33 [(3)] (III) An applicant for a special license shall sign and submit to
 34 the Board of License Commissioners an application in the form that the Board
 35 provides.

36 [(4)] (IV) The annual fee for a special license is:

- 1 [(i)] 1. \$400, for not more than 10 days;
- 2 [(ii)] 2. \$800, for at least 11 but not more than 20 days;
- 3 [(iii)] 3. \$1,000, for at least 21 but not more than 30 days; and
- 4 [(iv)] 4. \$1,100, for at least 31 but not more than 40 days.

5 [(5)] (V) The total number of days during which a special license may
6 be used may not exceed 40 in a calendar year.

7 [(6)] (VI) A license holder shall notify the Board of License
8 Commissioners in writing at least 7 days before each day when the license is to be
9 used.

10 [(7)] (VII) The Board of License Commissioners may issue only one
11 multiple event license to a license holder in a licensed year.

12 [(8)] (VIII) This subsection does not prevent a fire department from
13 obtaining a single event special Class C license authorized elsewhere under this
14 section.

15 (3) (I) **THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A
16 REFILLABLE CONTAINER LICENSE TO A HOLDER OF ANY CLASS OF ALCOHOLIC
17 BEVERAGES LICENSE ISSUED BY THE BOARD EXCEPT A CLASS C LICENSE,
18 CLASS D LICENSE, CLASS B-CONFERENCE CENTER LICENSE, OR CLASS
19 B-STADIUM LICENSE.**

20 (II) **SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH,
21 A REFILLABLE CONTAINER LICENSE ENTITLES THE HOLDER TO SELL DRAFT
22 BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE
23 CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE
24 THAN 128 OUNCES.**

25 (III) **TO BE USED AS A REFILLABLE CONTAINER UNDER
26 SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CONTAINER SHALL:**

- 27 1. **BE SEALABLE;**
- 28 2. **BE BRANDED WITH AN IDENTIFYING MARK OF
29 THE LICENSE HOLDER;**
- 30 3. **BEAR THE FEDERAL HEALTH WARNING
31 STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27
32 C.F.R. 16.21;**

1 4. **DISPLAY INSTRUCTIONS FOR CLEANING THE**
2 **CONTAINER; AND**

3 5. **BEAR A LABEL STATING THAT:**

4 A. **CLEANING THE CONTAINER IS THE**
5 **RESPONSIBILITY OF THE CONSUMER; AND**

6 B. **THE CONTENTS OF THE CONTAINER ARE**
7 **PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED**
8 **WITHIN 48 HOURS AFTER PURCHASE.**

9 **(IV) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER**
10 **LICENSE TO AN APPLICANT:**

11 1. **THE APPLICANT SHALL:**

12 A. **COMPLETE THE FORM THAT THE BOARD**
13 **PROVIDES; AND**

14 B. **PAY AN ANNUAL LICENSE FEE OF \$500; AND**

15 2. **AN APPLICANT WHO HOLDS A LICENSE WITHOUT**
16 **AN OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF**
17 **NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE LICENSE**
18 **THAT THE APPLICANT HOLDS.**

19 **(V) THE TERM OF THE REFILLABLE CONTAINER LICENSE**
20 **ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE**
21 **THAT THE APPLICANT HOLDS.**

22 **(VI) RECEIPTS COLLECTED UNDER A REFILLABLE**
23 **CONTAINER LICENSE ARE TO BE INCLUDED IN THE CALCULATION OF AVERAGE**
24 **DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER A CLASS B**
25 **RESTAURANT LICENSE, CLASS B HOTEL LICENSE, AND CLASS B GOLF COURSE**
26 **LICENSE.**

27 **(VII) THE HOURS OF SALE FOR A REFILLABLE CONTAINER**
28 **LICENSE:**

29 1. **BEGIN AT THE SAME TIME AS THOSE FOR THE**
30 **LICENSE ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE**
31 **CONTAINER LICENSE IS ISSUED; AND**

1 (2) In calculating average daily receipts from the sale of food, an
2 allocation of foodstuff contained in a mixed drink may not be included in average daily
3 receipts from the sale of food.

4 8-412.

5 (a) In this section, "license" means a beer tasting (BT) license, a wine tasting
6 (WT) license, or a beer/wine tasting (BWT) license.

7 (b) This section applies only in Wicomico County.

8 (c) (1) The Board of License Commissioners may issue a:

9 (i) Beer tasting (BT) license for beer tasting and sampling;

10 (ii) Wine tasting (WT) license for wine tasting and sampling;
11 and

12 (iii) Beer/wine tasting (BWT) license for beer or wine tasting and
13 sampling.

14 (2) A license may be issued only to a holder of a Class A beer and wine
15 (off-sale) license or a Class A beer, wine and liquor (off-sale) license.

16 (f) (1) An individual may be served, for sampling or tasting purposes, not
17 more than:

18 (i) 1 ounce of wine from each brand; or

19 (ii) 3 ounces of beer from each brand.

20 (2) A maximum of:

21 (i) Six bottles of wine may be open at any one time at a wine or
22 beer and wine sampling or tasting event; or

23 (ii) Six containers of beer may be open at any one time at a beer
24 or beer and wine sampling or tasting event.

25 (3) The total number of days during which beer, wine, or beer and
26 wine sampling or tasting events [are] **MAY BE** held may not exceed [20] **50** in any
27 period for which a license is in effect.

28 (4) A license holder shall notify the Board of License Commissioners in
29 writing at least 5 days before a beer, wine, or beer and wine sampling or tasting event.

1 (5) Once opened, each bottle or container used for a beer, wine, or beer
2 and wine sampling or tasting event shall be marked that it is to be used for that
3 purpose only.

4 (6) The contents of each bottle or container may not be mixed with any
5 other bottle or container, and all bottles and containers shall be destroyed once they
6 are empty.

7 11-402.

8 (x) (1) This subsection applies only in Wicomico County.

9 (2) The Board of License Commissioners shall determine the hour at
10 which establishments serving alcoholic beverages must cease sales on [New Year's
11 Eve Day and on] New Year's Day morning regardless of the day of the week on which
12 [December 31 and] January 1 [fall] FALLS.

13 11-523.

14 (c) The days and hours for the sale of alcoholic beverages are:

15 (1) For a Class B "on-sale" hotel and restaurant beer, wine and liquor
16 license:

17 (i) Monday through Saturday from 10 a.m. to 2 a.m. on the
18 following day; and

19 (ii) Sunday from [12:30 p.m.] **10 A.M.** to 12 midnight (and then
20 only for consumption by patrons seated on the premises).

21 (2) For a Class C "on-sale" club beer, wine and liquor license:

22 (i) Monday through Saturday from 10 a.m. to 2 a.m. on the
23 following day; and

24 (ii) Sunday from 12:30 p.m. to 12 midnight (provided that under
25 the Sunday licenses the sale or disposal of any alcoholic beverages is permitted only
26 for consumption by patrons seated on the premises).

27 (3) For a Class B hotel and restaurant beer license:

28 (i) On-sale:

29 1. Monday through Saturday from 6 a.m. to 2 a.m. the
30 following day; and

1 2. Sunday from [12:30 p.m.] **10 A.M.** to 12 midnight,
2 provided that the sale of alcoholic beverages on Sunday is only permitted for
3 consumption by patrons who are seated on the premises; and

4 (ii) Off-sale on any day from 6 a.m. to 12 midnight.

5 (4) For a Class B hotel and restaurant beer and light wine license:

6 (i) On-sale:

7 1. Monday through Saturday from 6 a.m. to 2 a.m. the
8 following day; and

9 2. Sunday from [12:30 p.m.] **10 A.M.** to 12 midnight,
10 provided that the sale of alcoholic beverages on Sunday is only permitted for
11 consumption by patrons who are seated on the premises; and

12 (ii) Off-sale on any day from 6 a.m. to 12 midnight.

13 (5) For a 6-day Class D beer and light wine license:

14 (i) On-sale, Monday through Saturday from 6 a.m. to 2 a.m.
15 the following day; and

16 (ii) Off-sale, Monday through Saturday from 6 a.m. to 12
17 midnight.

18 (6) For a 7-day Class D beer and light wine license:

19 (i) On-sale:

20 1. Monday through Saturday from 6 a.m. to 2 a.m. the
21 following day; and

22 2. Sunday from 12:30 p.m. to 12 midnight, provided that
23 the sale of alcoholic beverages is only permitted for consumption by patrons who are
24 seated on the premises; and

25 (ii) Off-sale any day from 6 a.m. to 12 midnight.

26 (7) For a Class [GC (golf course)] **B** beer, wine and liquor (**GOLF**
27 **COURSE**) license:

28 (i) Monday through Saturday from 10 a.m. to 2 a.m. the
29 following day; and

1 (ii) Sunday from [12:30 p.m.] 10 A.M. to 12 midnight.

2 (8) (i) For a stadium beer and light wine license, except as
3 provided in subitem (ii) of this item:

4 1. Monday through Saturday from 12 noon to 9 p.m.;
5 and

6 2. Sunday from 1 p.m. to 5 p.m.

7 (ii) During baseball games only, alcoholic beverages may not be
8 sold:

9 1. After the beginning of the eighth inning; or

10 2. During a double header game, after the beginning of
11 the sixth inning of the second game.

12 12–113.

13 (c) Except as provided in [§] §§ 7–101(w)(3) AND 8–203(e) of this article, no
14 retail dealer, or agent or employee of such retail dealer shall refill any container of
15 alcoholic beverages with any substance whatsoever after such container has once been
16 emptied of its original contents.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.