

SENATE BILL 949

A2

3lr3034

By: **Senator Mathias**

Introduced and read first time: February 14, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Worcester County – Alcoholic Beverages**

3 FOR the purpose of authorizing a holder of a seven-day Class B beer, wine and liquor
4 license in Worcester County to sell beer, wine and liquor off-sale; authorizing a
5 holder of a seven-day Class D beer, wine and liquor license in Worcester County
6 to sell beer, wine and liquor off-sale; altering the maximum amount of a certain
7 fine for certain violations in Worcester County; applying certain provisions of
8 law relating to certain alcohol awareness programs to holders of certain
9 alcoholic beverages licenses or certain employees of certain license holders in
10 Worcester County; making a certain exception; and generally relating to
11 alcoholic beverages in Worcester County.

12 BY repealing and reenacting, without amendments,
13 Article 2B – Alcoholic Beverages
14 Section 6-201(a)(1) and 6-401(a)(1)
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2012 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 2B – Alcoholic Beverages
19 Section 6-201(y), 6-401(y), 11-304(a), and 13-101
20 Annotated Code of Maryland
21 (2011 Replacement Volume and 2012 Supplement)

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

24 **Article 2B – Alcoholic Beverages**

25 6-201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) A Class B beer, wine and liquor license shall be issued by the
2 license issuing authority of the county in which the place of business is located, and
3 the license authorizes its holder to keep for sale and sell all alcoholic beverages at
4 retail at any hotel or restaurant at the place described, for consumption on the
5 premises or elsewhere, or as provided in this section.

6 (y) (1) This subsection applies only in Worcester County.

7 (2) The annual license fees for the following types of licenses are:

8 (i) Six-day licenses – \$1,750; and

9 (ii) Seven-day licenses – \$2,500.

10 (3) Hotels and restaurants are defined to be:

11 (i) For six-day license holders:

12 1. Bona fide hotels having at least 20 rooms and serving
13 meals regularly; or

14 2. Restaurants having a seating capacity at tables of at
15 least 70 people.

16 (ii) For seven-day license holders:

17 1. As required for six-day license holders, which are
18 incorporated by reference; and

19 2. A. Establishments for the accommodation of the
20 public which provide services found ordinarily in hotels, have a lobby with a
21 registration and mail desk and seating facilities, and an enclosed dining area which
22 serves full-course meals from menus at least twice daily; or

23 B. Establishments which have an enclosed dining area
24 which serves full-course meals from menus at least twice daily and have daily receipts
25 from the sale of food in excess of that from the sale of alcoholic beverages during the
26 effective period of the license.

27 (iii) A license may not be issued unless the hotel or restaurant is
28 operated in a clean and sanitary manner and is equipped with the proper restroom
29 facilities.

30 (4) Seven-day license holders may sell beer, wine and liquor (on-sale
31 **OR OFF-SALE**) and beer and light wine (off-sale).

1 (5) If the premises to be licensed by the provisions of this subsection
2 are within a municipal corporation, the license application may be subject to approval
3 by its mayor and town council and shall be approved by the licensing authority.

4 (6) All license fees shall go to the general funds of the county.
5 However, if the licensed premises are in a municipal corporation, 75 percent of the fees
6 shall go to that municipal corporation.

7 (7) (i) Except as provided in subparagraph (ii) of this paragraph,
8 all licensees shall purchase all wines and liquors, except light wine and beer, from the
9 Worcester County Department of Liquor Control. They shall be charged not more than
10 85 percent of the retail price or any special sale price or discount price, whichever is
11 lower, set by the Department for wines and liquors. All licensees may purchase beer
12 and light wine from licensed wholesalers.

13 (ii) Beginning on May 1, 2016, a licensee may elect to purchase
14 wine and liquor from a licensed wholesaler under § 15–204(e) of this article.

15 (8) The hours for sale are as provided in § 11–524 of this article.
16 6–401.

17 (a) (1) A Class D beer, wine and liquor license shall be issued by the
18 license issuing authority of the county in which the place of business is located. It
19 authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the
20 place described in it, for consumption on the premises or elsewhere. A license may not
21 be issued for any drugstore.

22 (y) (1) This subsection applies only in Worcester County.

23 (2) (i) A Class D beer, wine and liquor license may be issued only
24 within:

25 1. The corporate limits of Ocean City;
26 2. The boundary lines of the 10th taxing district;
27 3. The area bounded by U.S. Route 50 to the south,
28 Turville Creek and Herring Creek to the east, St. Martin River to the north, and
29 Maryland Route 589 to the west;

30 4. The area bounded by Maryland Route 589 to the
31 north and east, U.S. Route 50 to the south, and U.S. Route 113 to the west; and

32 5. From the intersection of Maryland Route 589 and
33 U.S. Route 50, an area bounded by a line that extends 1,500 feet south of U.S. Route
34 50, east to the boundary of the 10th taxing district, north along the 10th taxing

1 district boundary to U.S. Route 50, and west to the intersection of Maryland Route 589
2 and U.S. Route 50.

3 (ii) The annual license fee for the six-day license set by the
4 Worcester County Commissioners may not be less than \$3,000.

5 (iii) The annual license fee for the seven-day license set by the
6 Worcester County Commissioners may not be less than \$3,500.

7 (iv) Seven-day license holders may sell beer, wine and liquor
8 (on-sale **OR OFF-SALE**) and beer and light wine (off-sale).

9 (v) All license fees shall go to the general funds of the county.
10 However, if the licensed premises are in a municipal corporation, 75 percent of the fees
11 shall go to that municipal corporation.

12 (vi) 1. Except as provided in subsubparagraph 2 of this
13 subparagraph, all licensees shall purchase all wines and liquors, except light wine and
14 beer, from the Worcester County Department of Liquor Control. They shall be charged
15 not more than 85 percent of the retail price or any special sale price or discount price,
16 whichever is lower, set by the Department for wines and liquors. All licensees may
17 purchase beer and light wine from licensed wholesalers.

18 2. Beginning on May 1, 2016, a licensee may elect to
19 purchase wine and liquor from a licensed wholesaler under § 15-204(e) of this article.

20 (vii) The hours for sale are as provided in § 11-524 of this article.

21 (viii) With respect to the Ocean City Convention Hall, only the
22 Convention Hall Commission and its successors may be issued an alcoholic beverages
23 license. The Commission may permit its vendors to dispense alcoholic beverages
24 pursuant to whatever license the Commission is granted. Further, the Commission
25 may contract to receive some proportion of the revenue derived from the vendor's sale
26 of alcoholic beverages. This license shall be subject to the following restrictions:

27 1. This monopoly may not impinge upon the provisions
28 of § 7-101(u)(5) of this article;

29 2. Only on-sale transactions shall be permitted; and

30 3. Consumption of alcoholic beverages shall be restricted
31 to the premises.

32 (3) (i) 1. A. The Board may issue a special 7-day Class D
33 beer, wine and liquor on-sale retail license to the Mayor of Ocean City for use on the
34 premises of the Ocean City municipal golf courses.

1 B. A separate license is required for each Ocean City
2 municipal golf course.

3 2. Prior to the issuance of any license under this
4 paragraph, the Mayor shall designate an individual to complete training in an alcohol
5 awareness program approved under § 13–101 of this article.

6 3. The individual designated by the Mayor shall:

7 A. Represent the concessionaire; and

8 B. Be directly involved with the management of the sale
9 of beer, wine, and liquor by the concessionaire.

10 (ii) The holder may contract with and permit a concessionaire to
11 keep for sale and sell beer, wine, and liquor for on premises consumption only.

12 (iii) The hours and days of sale under the license are the same as
13 a Class D beer, wine and liquor on-sale license under § 11–524 of this article or during
14 lesser hours specified by the holder.

15 (iv) A license shall be issued and renewed without charge or an
16 annual fee and may not be transferred.

17 11–304.

18 (a) (1) Between 2 a.m. and 6 a.m. on any day, a person may not consume
19 any alcoholic beverages on any premises open to the general public, any place of public
20 entertainment, or any place at which setups or other component parts of mixed
21 alcoholic drinks are sold under any license issued under the provisions of the Business
22 Regulation Article, and an owner, operator or manager of the premises or places may
23 not knowingly permit such consumption.

24 (2) Except as provided in this section, any person found consuming
25 any alcoholic beverage on any premises open to the general public, and any owner,
26 operator or manager of those premises or places who knowingly permits consumption
27 between the hours provided by this section is guilty of a misdemeanor and, upon
28 conviction, shall be fined not more than \$50 and not less than \$5.

29 (i) In Anne Arundel County the fine may not be more than
30 \$250.

31 (ii) In Worcester County the fine may not be more than **[\$1,000]**
32 **\$4,000.**

33 13–101.

- 1 (a) In this section “alcohol awareness program” means a program:
- 2 (1) That:
- 3 (i) Is approved and certified by the State Comptroller; and
- 4 (ii) Has been issued an alcohol awareness program permit by
5 the State Comptroller;
- 6 (2) That includes instruction on how alcohol affects a person’s:
- 7 (i) Body; and
- 8 (ii) Behavior;
- 9 (3) That provides education on the dangers of drinking and driving;
10 and
- 11 (4) That defines effective methods for:
- 12 (i) Serving customers to minimize the chance of intoxication;
- 13 (ii) Ceasing service before the customer becomes intoxicated;
14 and
- 15 (iii) Determining if a customer is under the drinking age.
- 16 (b) (1) The provisions of this section apply to:
- 17 (i) Licensed premises that are operated by selling alcoholic
18 beverages directly to a customer from a bar or service bar on the premises;
- 19 (ii) Premises licensed for off sale;
- 20 (iii) In Montgomery County, a holder of a caterer’s license issued
21 under § 6–706.1 of this article; and
- 22 (iv) In Baltimore City, an establishment covered under §
23 20–102(a) of this article.
- 24 (2) This section does not apply to:
- 25 (i) Temporary alcoholic beverages licenses issued under §
26 7–101 of this article;
- 27 (ii) A Class E (on–sale) steamboat alcoholic beverages license;

1 (iii) A Class F (on-sale) railroad alcoholic beverages license; or

2 (iv) A Class G (on-sale) aircraft alcoholic beverages license.

3 (c) (1) A holder of any class of retail alcoholic beverages license or an
4 employee designated by the holder shall complete training in an approved alcohol
5 awareness program. The training shall be valid for a period of 4 years, and the holder
6 shall complete retraining in an approved program for each successive 4-year period.

7 (2) (i) This paragraph applies only in the following jurisdictions:

8 1. Howard County;

9 2. Montgomery County;

10 3. Kent County;

11 4. Washington County;

12 5. Caroline County; and

13 6. Except as provided in subparagraph (ii) of this
14 paragraph, Wicomico County **AND WORCESTER COUNTY**.

15 (ii) This paragraph does not apply to a licensee in Wicomico
16 County **OR WORCESTER COUNTY** with a Class C license.

17 (iii) The licensee or a person who is employed in a supervisory
18 capacity designated by the licensee:

19 1. Shall be certified by an approved alcohol awareness
20 program; and

21 2. Except as otherwise provided in subparagraph (iv) of
22 this paragraph, be present during the hours in which alcohol may be sold.

23 (iv) 1. In Howard County, Kent County, Washington County,
24 [and] Wicomico County, **AND WORCESTER COUNTY**, the person certified by an
25 approved alcohol awareness program may be absent from the licensed premises for a
26 bona fide personal or business reason or an emergency, if the absence lasts for not
27 more than 2 hours.

28 2. In Caroline County, the person certified by an
29 approved alcohol awareness program may be absent from the licensed premises for a
30 bona fide emergency, if the absence lasts for not more than 2 hours.

1 3. The Board of License Commissioners shall require the
2 licensee to keep a log book on the licensed premises that contains documentation of
3 each temporary absence, the length of time of the absence, and the reason for the
4 absence, in the form required by the Board of License Commissioners.

5 (3) (i) This paragraph applies only in Harford County.

6 (ii) The licensee or a person who is employed in a supervisory
7 capacity designated by the licensee shall be certified by an approved alcohol awareness
8 program and shall be present during the hours in which alcohol may be sold.

9 (4) (i) This paragraph applies only to an establishment covered
10 under § 20–102(a) of this article, in Baltimore City.

11 (ii) Any bottle club owner or a person who is employed in a
12 supervisory capacity designated by the owner shall be certified by an approved alcohol
13 awareness program and shall be present during the hours in which alcohol is served or
14 consumed.

15 (d) Any licensee who violates the provisions of subsection (c) of this section is
16 subject to:

17 (1) For the first offense, a \$100 fine; and

18 (2) For each subsequent offense, a fine not to exceed \$500 or a
19 suspension or revocation of the license or both.

20 (e) (1) The State Comptroller:

21 (i) Shall approve and certify each alcohol awareness program
22 that is in compliance with this section; and

23 (ii) May require recertification of the approved program to
24 insure compliance with any changes in the program.

25 (2) Any individual who is authorized or employed to teach an alcohol
26 awareness program must obtain an alcohol awareness instructor's permit.

27 (3) Each local licensing board is responsible for enforcing this section,
28 including the penalty provision.

29 (4) (i) A certificate of completion shall be issued for each
30 completion of a certified program and it shall be valid for 4 years from the date of
31 issuance.

32 (ii) An up-to-date valid certificate shall be presented to the
33 proper authority upon request.

1 (5) (i) Within 5 days after a licensee, bottle club owner, or an
2 employee of a licensee or bottle club owner is sent a certificate of completion, the
3 program provider shall inform the appropriate local licensing board of:

4 1. The individual's name, address, and certification date;
5 and

6 2. The name and address of the licensed establishment.

7 (ii) Any program provider who violates the provisions of this
8 subsection is subject to a decertification of the program by the State Comptroller.

9 (f) (1) This section may not be construed to create or enlarge any civil
10 cause of action or criminal proceeding against a licensee.

11 (2) Evidence of a violation of this section may not be introduced in any
12 civil or criminal proceeding, but may only be used as evidence before the local
13 licensing board in actions brought before the board for violations of this section.

14 (g) The Comptroller may issue regulations to set standards and
15 requirements pertaining to course content, course duration, course format and any
16 other course related activities the Comptroller may require.

17 (h) (1) This subsection applies only in Dorchester County.

18 (2) A certificate of completion of a certified alcohol awareness program
19 held by an employee or an employee's employer may not be used at more than one
20 licensed establishment.

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