

# HOUSE BILL 690

A2

4lr2869

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By: **Garrett County Delegation**

Introduced and read first time: January 31, 2014

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Garrett County – Alcoholic Beverages – Sunday Sales for Off-Premises**  
3 **Consumption**

4 FOR the purpose of authorizing the holder of certain alcoholic beverages licenses in  
5 Garrett County to sell alcoholic beverages for consumption off the licensed  
6 premises on certain Sundays under certain circumstances; establishing the  
7 hours for sale on certain Sundays; establishing certain fees; submitting this Act  
8 to a referendum of the legally qualified voters of certain election districts and  
9 precincts of election districts in Garrett County; and generally relating to the  
10 sale of alcoholic beverages in Garrett County on Sundays.

11 BY repealing and reenacting, with amendments,  
12 Article 2B – Alcoholic Beverages  
13 Section 11–512  
14 Annotated Code of Maryland  
15 (2011 Replacement Volume and 2013 Supplement)

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

18 **Article 2B – Alcoholic Beverages**

19 11–512.

20 (a) This section applies only in Garrett County.

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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           (b)   (1)   Notwithstanding any other provisions of this subtitle and except on  
2   Sundays and New Year's Day, holders of any class of on- or off-sale licenses issued  
3   under this article may sell the alcoholic beverages authorized under their respective  
4   license from 6 a.m. to 2 a.m. the following day, but may not sell alcoholic beverages  
5   between the hours of 2 a.m. and 6 a.m. on any day of the week or, unless authorized  
6   under subsection (c) **OR (D)** of this section, at any time on Sunday after 2 a.m.

7           (2)   The provisions of this subsection apply to a holder of a Class E  
8   steamboat license issued by the State Comptroller's Office for use on all State waters  
9   located within the county.

10           (3)   However, this section is subject to the provisions of § 11-402(m) of  
11   this title regarding sales on New Year's Eve or New Year's Day regardless of the day of  
12   the week on which December 31 and January 1 fall.

13           (c)   (1)   The provisions of this subsection apply in:

14                   (i)   Election districts 11 and 15, in which the voters approved  
15   Sunday sales in the referendum authorized by law in November 1996; and

16                   (ii)   Any other election district or precinct of an election district  
17   in which the voters in a referendum authorized by law approve Sunday sales as  
18   specified in this subsection.

19           (2)   This subsection only applies to on-premises sales by:

20                   (i)   A holder of a Class C service club license; and

21                   (ii)   Subject to paragraph (4) of this subsection a holder of a  
22   Class B license, special 2-day Class C license, special 6-day Class C license, or special  
23   12-day Class C license; or

24                   (iii)   A holder of a Class D license operating an establishment  
25   that:

26                           1.   Is in a permanent building;

27                           2.   Has a seating capacity at tables, not including seats  
28   at bars or counters, for at least 20 persons;

29                           3.   Is equipped with a full-service commercial kitchen  
30   capable of preparing and serving full-course meals for at least 20 persons at one  
31   seating; and

1                   4. Is approved by the county Board of License  
2 Commissioners, Department of Public Utilities, Health Department, and Planning and  
3 Land Development Office.

4                   (3) Sunday sales may begin, where permitted, at 1 p.m. and continue  
5 until 10 p.m.

6                   (4) (i) This paragraph does not apply to a holder of a Class C  
7 service club license.

8                   (ii) Sunday sales may be made only when the consumer places  
9 an order for a meal simultaneously or prior to placing an order for an alcoholic  
10 beverage or the consumer is otherwise entitled to a meal on the premises as part of a  
11 prearranged event, such as a banquet, where the alcoholic beverage is served. Bar or  
12 counter sales may be made as long as the consumer complies with the requirement of  
13 this paragraph.

14                  (5) In addition to the usual license fee, the holder of a Class C service  
15 club license, Class B license, or Class D license who wants to provide Sunday sales and  
16 who is otherwise eligible to provide Sunday sales under this subsection shall pay an  
17 additional \$250 for the privilege of Sunday sales.

18                  (6) At the time the Class C service club license, Class B license, or  
19 Class D license is issued, the Board shall charge a \$250 issuing fee.

20                  **(D) (1) THE PROVISIONS OF THIS SUBSECTION APPLY IN AN**  
21 **ELECTION DISTRICT OR A PRECINCT OF AN ELECTION DISTRICT IN WHICH THE**  
22 **VOTERS IN A REFERENDUM AUTHORIZED BY LAW APPROVE SUNDAY SALES AS**  
23 **SPECIFIED IN THIS SUBSECTION.**

24                  **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**  
25 **THIS SUBSECTION APPLIES ONLY TO OFF-PREMISES SALES BY:**

26                               1. A HOLDER OF A CLASS A LICENSE;

27                               2. A HOLDER OF A CLASS B LICENSE;

28                               3. A HOLDER OF A SPECIAL 2-DAY CLASS C  
29 LICENSE, SPECIAL 6-DAY CLASS C LICENSE, OR SPECIAL 12-DAY CLASS C  
30 LICENSE; AND

31                               4. A HOLDER OF A CLASS D LICENSE.

32                               **(II) A HOLDER OF A LICENSE LISTED IN SUBPARAGRAPH (I)**  
33 **OF THIS PARAGRAPH MAY SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION**

1 OFF THE LICENSED PREMISES ON A SUNDAY IF THE LICENSE HOLDER IS  
2 AUTHORIZED TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE  
3 LICENSED PREMISES FOR THE UNDERLYING LICENSE.

4 (3) SUNDAY SALES MAY BEGIN, WHERE AUTHORIZED, AT 1 P.M.  
5 AND CONTINUE UNTIL 10 P.M.

6 (4) (I) THIS PARAGRAPH DOES NOT APPLY TO A HOLDER OF A  
7 SPECIAL CLASS C LICENSE.

8 (II) IN ADDITION TO THE USUAL LICENSE FEE, THE HOLDER  
9 OF A CLASS A LICENSE, CLASS B LICENSE, OR CLASS D LICENSE WHO WANTS  
10 TO PROVIDE SUNDAY SALES AND WHO IS OTHERWISE ELIGIBLE TO PROVIDE  
11 SUNDAY SALES UNDER THIS SUBSECTION SHALL PAY AN ADDITIONAL \$250 FOR  
12 THE PRIVILEGE OF SUNDAY SALES.

13 (III) AT THE TIME THE CLASS A LICENSE, CLASS B LICENSE,  
14 OR CLASS D LICENSE IS ISSUED, THE BOARD SHALL CHARGE A \$250 ISSUING  
15 FEE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes  
17 effective it shall first be submitted to a referendum of the legally qualified voters of the  
18 following election districts or precincts of election districts 1, 2, 3-1, 3-2, 4, 5, 6, 7, 8-1,  
19 8-2, 9, 10, 11, 12, 13, 14-1, 14-2, 15, and 16 in Garrett County at the general election  
20 to be held in November of 2014. The Board of County Commissioners and the Board of  
21 Supervisors of Elections of Garrett County shall do those things necessary and proper  
22 to provide for and hold the referendum required by this section. If a majority of the  
23 votes cast on the question in an election district or a precinct of an election district are  
24 "For the referred law" the provisions of this Act shall become effective in that election  
25 district or precinct on December 15, 2014; but if a majority of the votes cast on the  
26 question in an election district or a precinct of an election district are "Against the  
27 referred law" the provisions of this Act are of no effect and null and void in that  
28 election district or precinct. The Board of Supervisors of Elections of Garrett County  
29 shall notify the Department of Legislative Services concerning the results of the  
30 referendum in each election district and precinct of an election district.

31 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions  
32 of Section 2 of this Act and for the sole purpose of providing for the referendum  
33 required by Section 2 of this Act, this Act shall take effect July 1, 2014.