

HOUSE BILL 690

A2

4lr2869

By: **Garrett County Delegation**

Introduced and read first time: January 31, 2014

Assigned to: Economic Matters

A BILL ENTITLED

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.

21 (b) (1) Notwithstanding any other provisions of this subtitle and except on
22 Sundays and New Year’s Day, holders of any class of on– or off–sale licenses issued
23 under this article may sell the alcoholic beverages authorized under their respective
24 license from 6 a.m. to 2 a.m. the following day, but may not sell alcoholic beverages

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 between the hours of 2 a.m. and 6 a.m. on any day of the week or, unless authorized
2 under subsection (c) **OR (D)** of this section, at any time on Sunday after 2 a.m.

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

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

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

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

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

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

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

17 (ii) Subject to paragraph (4) of this subsection a holder of a
18 Class B license, special 2-day Class C license, special 6-day Class C license, or special
19 12-day Class C license; or

20 (iii) A holder of a Class D license operating an establishment
21 that:

22 1. Is in a permanent building;

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

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

28 4. Is approved by the county Board of License
29 Commissioners, Department of Public Utilities, Health Department, and Planning and
30 Land Development Office.

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

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

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

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

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

15 **(D) (1) THE PROVISIONS OF THIS SUBSECTION APPLY IN AN**
16 **ELECTION DISTRICT OR A PRECINCT OF AN ELECTION DISTRICT IN WHICH THE**
17 **VOTERS IN A REFERENDUM AUTHORIZED BY LAW APPROVE SUNDAY SALES AS**
18 **SPECIFIED IN THIS SUBSECTION.**

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

21 **1. A HOLDER OF A CLASS A LICENSE;**

22 **2. A HOLDER OF A CLASS B LICENSE;**

23 **3. A HOLDER OF A SPECIAL 2-DAY CLASS C**
24 **LICENSE, SPECIAL 6-DAY CLASS C LICENSE, OR SPECIAL 12-DAY CLASS C**
25 **LICENSE; AND**

26 **4. A HOLDER OF A CLASS D LICENSE.**

27 **(II) A HOLDER OF A LICENSE LISTED IN SUBPARAGRAPH (I)**
28 **OF THIS PARAGRAPH MAY SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION**
29 **OFF THE LICENSED PREMISES ON A SUNDAY IF THE LICENSE HOLDER IS**
30 **AUTHORIZED TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE**
31 **LICENSED PREMISES FOR THE UNDERLYING LICENSE.**

32 **(3) SUNDAY SALES MAY BEGIN, WHERE AUTHORIZED, AT 1 P.M.**
33 **AND CONTINUE UNTIL 10 P.M.**

1 **(4) (I) THIS PARAGRAPH DOES NOT APPLY TO A HOLDER OF A**
2 **SPECIAL CLASS C LICENSE.**

3 **(II) IN ADDITION TO THE USUAL LICENSE FEE, THE HOLDER**
4 **OF A CLASS A LICENSE, CLASS B LICENSE, OR CLASS D LICENSE WHO WANTS**
5 **TO PROVIDE SUNDAY SALES AND WHO IS OTHERWISE ELIGIBLE TO PROVIDE**
6 **SUNDAY SALES UNDER THIS SUBSECTION SHALL PAY AN ADDITIONAL \$250 FOR**
7 **THE PRIVILEGE OF SUNDAY SALES.**

8 **(III) AT THE TIME THE CLASS A LICENSE, CLASS B LICENSE,**
9 **OR CLASS D LICENSE IS ISSUED, THE BOARD SHALL CHARGE A \$250 ISSUING**
10 **FEE.**

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

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