

HOUSE BILL 1097

A2

(4lr2279)

ENROLLED BILL

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

Introduced by **Garrett County Delegation**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Garrett County – Alcoholic Beverages – Sunday Sales for On-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 on the licensed~~
6 ~~premises on certain Sundays under certain circumstances;~~ submitting this Act
7 to a referendum of the qualified voters of certain election districts and precincts
8 of election districts in Garrett County the question of whether the holder of
9 certain alcoholic beverages licenses in Garrett County should be authorized to
10 sell alcoholic beverages for consumption on the licensed premises on certain
11 Sundays under certain circumstances; requiring the Board of County
12 Commissioners and the Board of Supervisors of Elections of Garrett County to
13 take certain actions regarding the referendum required under this Act;
14 requiring the County Board of License Commissioners to report certain
15 information to the Department of Legislative Services by a certain date;

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 requiring the publishers of the Annotated Code of Maryland to list in the
2 Annotated Code each district and precinct in Garrett County that has approved
3 the sale of alcoholic beverages by certain license holders on Sundays; and
4 generally relating to the sale of alcoholic beverages in Garrett County on
5 Sundays.

6 BY repealing and reenacting, without amendments,
7 Article 2B – Alcoholic Beverages
8 Section 11–512
9 Annotated Code of Maryland
10 (2011 Replacement Volume and 2013 Supplement)

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

13 **Article 2B – Alcoholic Beverages**

14 11–512.

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

16 (b) (1) Notwithstanding any other provisions of this subtitle and except on
17 Sundays and New Year’s Day, holders of any class of on– or off–sale licenses issued
18 under this article may sell the alcoholic beverages authorized under their respective
19 license from 6 a.m. to 2 a.m. the following day, but may not sell alcoholic beverages
20 between the hours of 2 a.m. and 6 a.m. on any day of the week or, unless authorized
21 under subsection (c) of this section, at any time on Sunday after 2 a.m.

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

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

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

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

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

34 (2) This subsection only applies to on–premises sales by:

- 1 (i) A holder of a Class C service club license; and
- 2 (ii) Subject to paragraph (4) of this subsection a holder of a
3 Class B license, special 2-day Class C license, special 6-day Class C license, or special
4 12-day Class C license; or
- 5 (iii) A holder of a Class D license operating an establishment
6 that:
- 7 1. Is in a permanent building;
- 8 2. Has a seating capacity at tables, not including seats
9 at bars or counters, for at least 20 persons;
- 10 3. Is equipped with a full-service commercial kitchen
11 capable of preparing and serving full-course meals for at least 20 persons at one
12 seating; and
- 13 4. Is approved by the county Board of License
14 Commissioners, Department of Public Utilities, Health Department, and Planning and
15 Land Development Office.
- 16 (3) Sunday sales may begin, where permitted, at 1 p.m. and continue
17 until 10 p.m.
- 18 (4) (i) This paragraph does not apply to a holder of a Class C
19 service club license.
- 20 (ii) Sunday sales may be made only when the consumer places
21 an order for a meal simultaneously or prior to placing an order for an alcoholic
22 beverage or the consumer is otherwise entitled to a meal on the premises as part of a
23 prearranged event, such as a banquet, where the alcoholic beverage is served. Bar or
24 counter sales may be made as long as the consumer complies with the requirement of
25 this paragraph.
- 26 (5) In addition to the usual license fee, the holder of a Class C service
27 club license, Class B license, or Class D license who wants to provide Sunday sales and
28 who is otherwise eligible to provide Sunday sales under this subsection shall pay an
29 additional \$250 for the privilege of Sunday sales.
- 30 (6) At the time the Class C service club license, Class B license, or
31 Class D license is issued, the Board shall charge a \$250 issuing fee.

32 SECTION 2. AND BE IT FURTHER ENACTED, That ~~before this Act becomes~~
33 ~~effective it shall first~~

1 (1) in accordance with Article 2B, § 11-512(c)(1)(ii) of the Annotated
2 Code of Maryland, a question substantially similar to the following shall be submitted
3 to a referendum of the qualified voters of the following election districts or precincts of
4 election districts in Garrett County at the general election to be held in November of
5 2014: 2, 3-1, 3-2, 4, 5, 8-1, 8-2, 10, 12, 13, 14-2, and 16 in Garrett County at the
6 general election to be held in November of 2014.

7 “Do you favor authorizing Sunday sales of alcoholic beverages with a meal, if
8 applicable, in your election district by holders of Class B, Class C, and Class D
9 alcoholic beverages licenses, in accordance with Article 2B, § 11-512 of the Annotated
10 Code of Maryland, from 1 p.m. until 10 p.m. and requiring the payment of additional
11 fees by Class B, Class C, and Class D license holders who wish to sell alcoholic
12 beverages on Sundays?”.

13 (2) (i) The Board of County Commissioners and the Board of
14 Supervisors of Elections of Garrett County shall do those things necessary and proper
15 to provide for and hold the referendum required by this section. If a majority of the
16 votes cast on the question in an election district or a precinct of an election district are
17 “For the referred law Sunday sales of alcoholic beverages” the provisions of this Act,
18 the authority to sell alcoholic beverages on Sundays, in accordance with Article 2B, §
19 11-512 of the Annotated Code of Maryland, 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 Sunday sales of alcoholic beverages” the provisions of this Act are of no
23 effect and null and void, the sale of alcoholic beverages on Sunday shall be prohibited
24 in that election district or precinct.

25 (ii) The Board of Supervisors of Elections of Garrett County
26 shall notify the State Department of Legislative Services concerning the results of the
27 referendum required under this section in each election district and precinct of an
28 election district.

29 (iii) The Garrett County Board of License Commissioners shall
30 provide to the Department of Legislative Services, by December 1, 2014, a complete
31 list of all election districts and precincts in Garrett County in which Sunday sales of
32 alcoholic beverages are authorized.

33 SECTION 3. AND BE IT FURTHER ENACTED, That the publishers of the
34 Annotated Code of Maryland, in consultation with and subject to the approval of the
35 Department of Legislative Services, shall list, in an annotation to Article 2B, § 11-512
36 of the Code, each district and precinct in Garrett County in which the voters have
37 approved the sale of alcoholic beverages on Sundays.

38 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
39 of Section 2 of this Act and for the sole purpose of providing for the referendum
40 required by Section 2 of this Act, this Act shall take effect July 1, 2014.