

Chapter 178

(Senate Bill 500)

AN ACT concerning

Frederick County – Alcoholic Beverages – Wine Events, Licensing, Alcohol Awareness Requirements, and Fines

FOR the purpose of restricting the number of bottles of wine that may remain open at any one time at a wine sampling or tasting event in Frederick County to all bottles in a wine preservation system that the Board of License Commissioners approves and a certain number of other bottles opened by certain persons; altering in Frederick County the qualifications for signatories of a certificate accompanying a license application; providing for an alternative method for selecting signatories under certain circumstances; requiring, with a certain exception, that a person certified by an approved alcohol awareness program be present at a licensed premises in the county when alcoholic beverages may be sold; allowing the person to be absent for a certain time under certain circumstances; altering the maximum fine that the Board may impose on a licensee for a certain violation; authorizing the Board to reduce a suspension under certain circumstances; making certain stylistic changes; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 8–406.1, 10–103(b)(18), 13–101(c)(2), and 16–507(l)

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

8–406.1.

- (a) This section applies only in Frederick County.
- (b) The Board of License Commissioners may issue a beer, wine and liquor tasting (BWLTL) license.
- (c) A beer, wine and liquor tasting license may be issued only to a holder of a Class A beer, wine and liquor license.
- (d) A beer, wine and liquor tasting license authorizes the consumption of one-half an ounce of liquor from a given brand and 1.5 ounces from all brands by any one person in a single day for tasting and sampling purposes only.

(e) The limitations on the consumption of beer and wine under § 8–406 of this subtitle apply to a beer, wine and liquor tasting license.

(F) THE BOTTLES OF WINE THAT MAY BE OPENED AT ANY ONE TIME AT A WINE SAMPLING OR TASTING EVENT ARE:

~~(H)~~ **(1) ALL BOTTLES IN A WINE PRESERVATION SYSTEM THAT THE BOARD APPROVES; AND**

~~(H)~~ **(2) NOT MORE THAN SIX OTHER BOTTLES OF WINE OPENED BY A HOLDER OF A SOLICITOR'S PERMIT, THE HOLDER OF THE BWLT LICENSE, OR AN EMPLOYEE OF THE LICENSE HOLDER.**

~~(f)~~ **(G)** The Board shall set the annual fee for a beer, wine and liquor tasting license.

10–103.

(b) Except as otherwise provided in this subtitle, every new application for a license shall be made to the Board of License Commissioners on forms prescribed by the Comptroller and sworn to by the applicant. Every application for a license shall contain the following:

(18) (i) **[A] SUBJECT TO SUBPARAGRAPHS (II) THROUGH (IV) OF THIS PARAGRAPH,** A certificate signed by at least ten citizens who are owners of real estate and registered voters of the precinct in which the business is to be conducted, stating the length of time each has been acquainted with the applicant, or in the case of a corporation with the individuals making the application; that they have examined the application of the applicant and that they have good reason to believe that all the statements contained in this application are true, and that they are of the opinion that the applicant is a suitable person to obtain the license. The certificate must have a statement that the signers of it are familiar with the premises upon which the proposed business is to be conducted, and that they believe the premises are suitable for the conduct of the business of a retail dealer in alcoholic beverages.

(ii) In St. Mary's County, persons who are owners of real estate within 5 miles of the premises for which a license is sought and registered voters of St. Mary's County shall be those persons signing the certificate.

(iii) The certificate required by subparagraph (i) of this paragraph is not necessary for applications filed in Dorchester County, Prince George's County, Montgomery County, Anne Arundel County, and Baltimore County.

(IV) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IN FREDERICK COUNTY, PERSONS WHO ARE OWNERS OF REAL ESTATE WITHIN 5,000 FEET OF THE PREMISES FOR WHICH A LICENSE IS SOUGHT SHALL BE THOSE PERSONS SIGNING THE CERTIFICATE.

2. IF AN INSUFFICIENT NUMBER OF PERSONS OWN REAL ESTATE WITHIN 5,000 FEET OF THE PREMISES FOR WHICH A LICENSE IS SOUGHT, THE PERSONS SIGNING THE CERTIFICATE SHALL BE DRAWN FROM OWNERS OF REAL ESTATE WITHIN THE AREA OF A CIRCLE THAT:

A. HAS THE PREMISES FOR WHICH A LICENSE IS SOUGHT AT ITS CENTER; AND

B. ENCOMPASSES PROPERTIES OWNED BY AT LEAST 1,000 PERSONS.

13-101.

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

- 1. Howard County;
- 2. Montgomery County;
- 3. Kent County;
- 4. Washington County;
- 5. Caroline County; [and]

6. FREDERICK COUNTY; AND

[6.] 7. Except as provided in subparagraph (ii) of this paragraph, Wicomico County and Worcester County.

(ii) This paragraph does not apply to a licensee in Wicomico County or Worcester County with a Class C license.

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

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

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

(iv) 1. In Howard County, Kent County, Washington County, Wicomico County, and Worcester County, the person certified by an approved alcohol awareness program may be absent from the licensed premises for a bona fide personal or business reason or an emergency, if the absence lasts for not more than 2 hours.

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

3. IN FREDERICK COUNTY, THE PERSON CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM MAY BE ABSENT FROM THE LICENSED PREMISES FOR AN EMERGENCY THAT MEETS STANDARDS THAT THE BOARD OF LICENSE COMMISSIONERS SETS BY REGULATION, IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.

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

16-507.

(1) **(1)** In Frederick County, the [License Commissioner] **BOARD OF LICENSE COMMISSIONERS** may impose a fine of not more than ~~[\$1,500]~~ **\$3,000** per offense or suspend an alcoholic beverages license for any violation that is cause for suspension under the alcoholic beverages laws affecting Frederick County.

(2) The [Commissioner] **BOARD** may both suspend an alcoholic beverages license and impose the fine on a licensee for these violations.

(3) THE BOARD MAY REDUCE A SUSPENSION BY ALLOWING THE LICENSEE TO PAY A FINE OF NOT MORE THAN \$1,000 FOR EACH WEEK THE SUSPENSION IS REDUCED.

(4) All moneys collected under this subsection shall be deposited into the general funds of Frederick County.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.