

Chapter 589

**(House Bill 995)**

AN ACT concerning

**Allegheny County – Alcoholic Beverages – Sunday Sales**

FOR the purpose of altering the hours for sale of certain alcoholic beverages on Sundays by a holder of a Class D beer license, a Class D beer and light wine license, a Class B beer, wine, and liquor license, and a Class D beer, wine, and liquor license in Allegheny County under certain circumstances; ~~submitting this Act to a referendum of the qualified voters of Allegheny County;~~ and generally relating to the hours for sale of alcoholic beverages on Sundays in Allegheny County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 9–101(a) and (b), 9–102, and 9–2005

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_ (S.B. \_\_\_\_)(6lr1406) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 9–2002(d), 9–2003(d), and 9–2004(b) and (d)

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_ (S.B. \_\_\_\_)(6lr1406) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

9–101.

(a) In this title:

(1) except as provided in subsection (c) of this section, the definitions in § 1–101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Allegheny County.

9–102.

This title applies only in Allegany County.

9–2002.

(d) (1) Except as provided in § 9–2005 of this subtitle for December 31 and January 1, a holder of a Class D beer license may sell beer:

(i) on Monday through Saturday, for on–premises and off–premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on–premises consumption, from [1 p.m.] **11 A.M.** to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; and

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

(iii) in accordance with a 2–day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2–day Sunday sales permit to a holder of a Class D beer license.

(ii) An applicant for a 2–day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2–day Sunday sales permit authorizes the holder to sell beer for on–premises consumption on not more than two Sundays in a year from [1 p.m.] **11 A.M.** Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

9–2003.

(d) (1) Except as provided in § 9–2005 of this subtitle for December 31 and January 1, a holder of a Class D beer and light wine license may sell beer and light wine:

(i) on Monday through Saturday, for on–premises and off–premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on–premises consumption, from [1 p.m.] **11 A.M.** to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; and

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

(iii) in accordance with a 2-day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class D beer and light wine license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer and light wine for on-premises consumption on not more than two Sundays in a year from [1 p.m.] 11 A.M. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

9-2004.

(b) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on-premises consumption, from [1 p.m.] 11 A.M. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250;

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

3. is issued a 2-day Sunday sales permit in accordance with paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class B beer, wine, and liquor license, including a Class B beer, wine, and liquor license issued for use in a restaurant or banquet room in a hotel or motel.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for on-premises consumption on not more than two Sundays in a year from [1 p.m.] 11 A.M. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

(d) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, from [1 p.m.] 11 A.M. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; and

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

(iii) in accordance with a 2-day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class D beer, wine, and liquor license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for on-premises consumption on not more than two Sundays in a year from [1 p.m.] 11 A.M. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

9-2005.

The Board shall determine the hours of sale for December 31 and January 1, regardless of the days of the week on which those dates fall.

~~SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes effective it shall first be submitted to a referendum of the qualified voters of Allegany County at the general election to be held in November of 2016. The County governing body and the Allegany County Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. If a majority of the votes cast on the question are "For the referred law" the provisions of this Act shall become effective on the 30th day following the official canvass of votes for the referendum, but if a majority of the votes cast on the question are "Against the referred law" the provisions of this Act are of no effect and null and void.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act and for the sole purpose of providing for the referendum required by Section 2 of this Act, this Act shall take effect July 1, 2016.~~

Approved by the Governor, May 19, 2016.