

Chapter 169

(House Bill 1401)

AN ACT concerning

Garrett County – Alcoholic Beverages Act of 2018

FOR the purpose of establishing an art establishment license in Garrett County; authorizing the Board of License Commissioners for Garrett County to issue the license to a certain organization; prohibiting the Board from issuing the license to a certain organization; specifying that the license authorizes the holder to sell or serve beer and wine at retail for on-premises consumption; specifying the hours of sale; prohibiting the transfer of the license; making a certain business subject to alcohol awareness training requirements; specifying certain fees; adding a person that is eligible to hold a Class C multiple day or multiple event license to the list of persons to whom the Board may issue a beer festival license; authorizing a person to hold a beer festival license in addition to another license; establishing in the county a Class C beer and wine street festival license; specifying a certain person that may be issued the license; specifying that the license authorizes the holder to sell beer and wine under certain circumstances; specifying certain activities, under certain circumstances, that an individual may take during an event for which the license is issued; requiring a license applicant to submit a certain application; requiring the Board to publish a certain notice under certain circumstances; requiring the holder of a beer and wine street festival license to distribute wristbands for a certain purpose under certain circumstances; requiring a certain organization to ensure that at least one certain server is on the premises when alcoholic beverages are served; allowing a holder of a beer and wine street festival license to hold another license of a different class or nature; authorizing the use of the beer and wine street festival license for a certain maximum number of days in a year; establishing the Garrett County Beer and Wine Festival and a beer and wine festival license; authorizing the Board to issue the license to certain persons; specifying that the license authorizes the holder to display and sell beer and wine under certain circumstances; requiring the license holder to display and sell beer and wine under certain circumstances; requiring the Board to hold a certain hearing, publish a certain notice, and choose a location for the festival; requiring that beer and wine displayed and sold meet certain requirements; authorizing a holder of a State wholesale license or retail license to enter into a certain agreement; requiring the Board to establish a license fee and adopt certain regulations; establishing a Class BWLT beer, wine, and liquor tasting license; authorizing the Board to issue the license to a certain license holder; specifying that the license authorizes the holder to allow the on-premises consumption, for tasting, of beer, wine, or liquor; setting certain notice requirements and certain fees; requiring the Board to adopt certain regulations; altering a certain residency requirement; defining certain terms; making technical changes; and generally relating to alcoholic beverages licenses in Garrett County.

BY renumbering

Article – Alcoholic Beverages
 Section 21–1001
 to be Section 21–1001.1
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
 Article – Alcoholic Beverages
 Section 21–102
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

BY adding to
 Article – Alcoholic Beverages
 Section 21–1001, 21–1304.1, 21–1304.2, 21–1307, and 21–1405.1
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
 Article – Alcoholic Beverages
 Section 21–1304 and 21–1401
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That Section(s) 21–1001 of Article – Alcoholic Beverages of the Annotated Code of Maryland
 be renumbered to be Section(s) 21–1001.1.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 as follows:

Article – Alcoholic Beverages

21–102.

This title applies only in Garrett County.

21–1001.

(A) THERE IS AN ART ESTABLISHMENT LICENSE.

(B) (1) THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION ENGAGED IN:

(I) THE DISPLAY, SALE, OR DEMONSTRATION OF ART BY AN INDIVIDUAL ARTIST OR A GROUP OF ARTISTS; OR

(II) THE INSTRUCTION OF PARTICIPATING CLIENTS IN CREATING ART.

(2) THE BOARD MAY NOT ISSUE THE LICENSE TO AN ORGANIZATION THAT DISPLAYS AND SELLS COMMERCIALY PREPARED OR MASS-PRODUCED ARTISTIC PRODUCTS.

(C) THE LICENSE AUTHORIZES THE HOLDER TO SELL OR SERVE BEER AND WINE AT RETAIL FOR ON-PREMISES CONSUMPTION.

(D) THE LICENSE HOLDER MAY SELL OR SERVE BEER AND WINE DURING THE HOURS AND DAYS AS SET OUT FOR BEER AND WINE LICENSES UNDER § 21-2003(B) THIS TITLE.

(E) THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.

(F) A BUSINESS FOR WHICH THE LICENSE IS ISSUED IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE.

(G) THE ANNUAL LICENSE FEE IS \$205 IN ADDITION TO A ONE-TIME ISSUING FEE FOR A NEW LICENSE OF \$205.

21-1304.

(a) (1) There is a beer festival license.

(2) The Board may issue not more than two beer festival licenses each year.

(b) The Board may issue the license to a holder of:

(1) a retail license issued by the Board;

(2) a Class 5 brewery license;

(3) a Class 6 pub-brewery license;

(4) a Class 7 micro-brewery license; [or]

(5) a Class 8 farm brewery license; **OR**

(6) A PERSON THAT IS ELIGIBLE TO HOLD A CLASS C MULTIPLE DAY OR MULTIPLE EVENT LICENSE.

(c) The license authorizes the holder to display and sell beer that is:

- (1) manufactured and processed in any state; and
 - (2) distributed in the State when the license application is filed.
- (d) A license holder may display and sell beer:
- (1) at retail for on- and off-premises consumption; and
 - (2) during the hours and days designated for a beer festival.
- (e) The Board shall choose:
- (1) a fixed period of time for the festival of up to 2 consecutive days, excluding Sunday; and
 - (2) a location that is not already licensed.
- (f) Notwithstanding subsection (e)(1) of this section, a holder of a beer festival license issued for a location at which Sunday sales are allowed under § 21-2002(e) of this title may make Sunday sales beginning at 10 a.m.
- (g) Beer displayed and sold shall be:
- (1) invoiced to the license holder by a wholesaler or holder of a Class 5 brewery license, Class 6 pub-brewery license, Class 7 micro-brewery license, or Class 8 farm brewery license; and
 - (2) delivered to the beer festival from the licensed premises of the wholesaler.
- (h) A holder of a State wholesaler's license, a Class 5 brewery license, a Class 6 pub-brewery license, a Class 7 micro-brewery license, or a Class 8 farm brewery license may enter into an agreement with the license holder to:
- (1) deliver beer not earlier than 2 days before the effective date of the license; and
 - (2) accept returns not later than 2 days after the expiration date of the license.
- (I) A PERSON MAY HOLD A BEER FESTIVAL LICENSE IN ADDITION TO ANOTHER LICENSE.**
- [(i)] (J)** The Board shall set the fee.

[(j)] (K) The Board shall adopt regulations to carry out this section.

21-1304.1.

(A) THERE IS A CLASS C BEER AND WINE STREET FESTIVAL LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE TO A PERSON THAT IS ELIGIBLE TO HOLD A CLASS C MULTIPLE DAY OR MULTIPLE EVENT LICENSE.

(C) THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION AT AN ENTERTAINMENT EVENT THAT IS:

(1) HELD IN AN ARTS AND ENTERTAINMENT DISTRICT; AND

(2) IF REQUIRED, APPROVED BY THE MAYOR AND TOWN COUNCIL OF THE MUNICIPALITY WHERE THE EVENT IS LOCATED.

(D) DURING AN EVENT FOR WHICH THE LICENSE IS ISSUED, AN INDIVIDUAL IN THE EVENT AREA APPROVED BY THE BOARD WHO USES A DESIGNATED CONTAINER UNIQUE TO THE EVENT MAY:

(1) PURCHASE BEER OR WINE FROM:

(I) THE HOLDER OF THE BEER AND WINE STREET FESTIVAL LICENSE; OR

(II) ANOTHER LICENSE HOLDER WITH ON-SALE PRIVILEGES WITHIN THE ARTS AND ENTERTAINMENT DISTRICT;

(2) TRANSPORT BEER OR WINE IN THE DESIGNATED CONTAINER:

(I) TO THE PREMISES OF A LICENSE HOLDER WITH ON-SALE PRIVILEGES IN THE ARTS AND ENTERTAINMENT DISTRICT; AND

(II) IN THE APPROVED EVENT AREA; AND

(3) CONSUME BEER AND WINE:

(I) ON THE PREMISES OF A LICENSE HOLDER WITH ON-SALE PRIVILEGES IN THE ARTS AND ENTERTAINMENT DISTRICT; AND

(II) IN THE APPROVED EVENT AREA.

(E) AN APPLICANT FOR THE LICENSE SHALL SUBMIT AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES.

(F) THE BOARD SHALL PUBLISH A NOTICE FOR APPLICATIONS FOR THE LICENSE ONE TIME AT LEAST 7 DAYS BEFORE A LICENSE HEARING.

(G) A LICENSE HOLDER MAY PURCHASE BEER AND WINE FROM A HOLDER OF A RETAIL OR WHOLESALE LICENSE.

(H) THE LICENSE HOLDER:

(1) SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD AT THE EVENT FOR WHICH THE LICENSE IS ISSUED; AND

(2) MAY NOT SERVE BEER OR WINE TO AN INDIVIDUAL WHO DOES NOT WEAR A WRISTBAND.

(I) THE ORGANIZATION FOR WHICH THE LICENSE IS ISSUED SHALL ENSURE THAT AT LEAST ONE SERVER WHO IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM IS ON THE PREMISES WHEN ALCOHOLIC BEVERAGES ARE SERVED.

(J) THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(K) THE LICENSE MAY BE USED FOR A MAXIMUM OF 26 DAYS IN A CALENDAR YEAR.

(L) THE LICENSE FEE IS ~~\$150~~ \$50 PER DAY.

21-1304.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "FESTIVAL" MEANS THE GARRETT COUNTY BEER AND WINE FESTIVAL.

(3) "FESTIVAL ORGANIZATION" MEANS A NONPROFIT ORGANIZATION THAT IS CHOSEN BY THE COUNTY IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION TO ORGANIZE A FESTIVAL.

(B) (1) THERE IS A GARRETT COUNTY BEER AND WINE FESTIVAL.

(2) UNDER THE SUPERVISION OF THE BOARD, THE FESTIVAL ORGANIZATION MAY CONDUCT THE FESTIVAL ANNUALLY ON THE SECOND SATURDAY OF SEPTEMBER.

(C) (1) IN SELECTING A NONPROFIT ORGANIZATION TO BE A FESTIVAL ORGANIZATION, THE COUNTY SHALL ENSURE THAT THE NONPROFIT ORGANIZATION HAS EXTENSIVE EXPERIENCE IN ORGANIZING AND MANAGING LARGE-SCALE PUBLIC EVENTS.

(2) THE BOARD MAY ISSUE ONE BEER AND WINE FESTIVAL LICENSE EACH YEAR.

(D) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE OR A PERSON THAT IS ELIGIBLE TO HOLD A CLASS C MULTIPLE DAY OR MULTIPLE EVENT LICENSE.

(E) THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER AND WINE THAT IS:

(1) MANUFACTURED AND PROCESSED IN OR OUTSIDE THE STATE;
AND

(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.

(F) A LICENSE HOLDER SHALL DISPLAY AND SELL BEER AND WINE:

(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND

(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE BEER AND WINE FESTIVAL.

(G) THE BOARD SHALL:

(1) HOLD A HEARING ON A LICENSE APPLICATION; AND

(2) PUBLISH NOTICE OF A LICENSE APPLICATION HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONE TIME AT LEAST 7 DAYS BEFORE THE HEARING.

(H) (1) THE BOARD SHALL CHOOSE A LOCATION FOR THE FESTIVAL THAT IS NOT ALREADY LICENSED.

(2) IF THE LOCATION CHOSEN ALLOWS FOR SUNDAY SALES, SUNDAY SALES MAY BEGIN AT 10 A.M.

(I) BEER AND WINE DISPLAYED AND SOLD SHALL BE:

(1) INVOICED TO THE LICENSE HOLDER BY A RETAILER OR WHOLESALER; AND

(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE RETAILER OR WHOLESALER.

(J) A HOLDER OF A RETAIL LICENSE OR STATE WHOLESALE LICENSE MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF THE FESTIVAL LICENSE TO:

(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND

(2) ACCEPT RETURNS NOT LATER THAN 5 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.

(K) THE BOARD SHALL ESTABLISH THE LICENSE FEE.

(L) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

21-1307.

(A) THERE IS A CLASS BWLT BEER, WINE, AND LIQUOR TASTING LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER, WINE, AND LIQUOR LICENSE.

(C) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION, FOR TASTING, OF BEER, WINE, OR LIQUOR.

(D) THE LICENSE HOLDER SHALL NOTIFY THE BOARD AT LEAST 7 DAYS BEFORE A TASTING EVENT IS HELD.

(E) (1) THE ANNUAL FEE FOR A CLASS BWLT BEER, WINE, AND LIQUOR TASTING LICENSE IS \$150.

(2) THE ANNUAL FEE IS IN ADDITION TO:

(I) A ONE-TIME ISSUING FEE OF \$150 FOR A NEW CLASS BWLT BEER, WINE, AND LIQUOR TASTING LICENSE; AND

(2) THE ANNUAL FEE FOR THE UNDERLYING BEER, WINE, AND LIQUOR LICENSE.

(F) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

21-1401.

(a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 4-102 (“Applications to be filed with local licensing board”);
- (2) § 4-103 (“Application on behalf of partnership”);
- (3) § 4-104 (“Application on behalf of corporation or club”);
- (4) § 4-105 (“Application on behalf of limited liability company”);
- (5) § 4-106 (“Payment of notice expenses”);
- (6) § 4-108 (“Application form required by Comptroller”);
- (7) [§ 4-109 (“Required information on application — In general”);
- (8)] § 4-110 (“Required information on application — Petition of support”);
- [(9)] **(8)** § 4-113 (“Refund of license fees”); and
- [(10)] **(9)** § 4-114 (“Fees for licenses issued for less than 1 year”).

(b) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county:

(1) § 4-107 (“Criminal history records check”), subject to §§ 21-1402 through 21-1405 of this subtitle;

(2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION – IN GENERAL”), SUBJECT TO § 21-1405.1 OF THIS SUBTITLE;

[(2)] **(3)** § 4-111 (“Payment of license fees”), subject to § 21-1406 of this subtitle; and

[(3)] **(4)** § 4-112 (“Disposition of license fees”), subject to § 21-1407 of this subtitle.

21-1405.1.

AN INDIVIDUAL WHO IS A RESIDENT OF THE COUNTY FOR 1 YEAR IMMEDIATELY BEFORE FILING THE LICENSE APPLICATION MEETS THE RESIDENCY REQUIREMENT UNDER § 4-109(A)(4) OF THIS ARTICLE.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.