

# SENATE BILL 322

A2

8lr2708  
CF HB 1320

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By: **Washington County Senators**

Introduced and read first time: January 24, 2018

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 15, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Washington County – Alcoholic Beverages – Per Diem Licenses**

3 FOR the purpose of repealing the Class C per diem beer, Class C per diem beer and wine,  
4 and Sunday picnic licenses in Washington County; altering the requirements for a  
5 Class C per diem beer, wine, and liquor license in Washington County to authorize  
6 the license to be issued to a certain corporation, society, organization, association, or  
7 other entity that meets certain requirements; altering the privileges of the license to  
8 authorize a license holder to sell or serve beer, wine, or liquor for on–premises  
9 consumption during a certain event; authorizing the Board of License  
10 Commissioners to issue multiple licenses to a single applicant; requiring a separate  
11 license for each day of an event; altering the number of consecutive days for which  
12 the Board may issue the license; requiring an applicant for the license to provide  
13 certain documentation; establishing certain qualifications for individuals applying  
14 for the license; specifying certain conditions under which a license holder may serve  
15 or sell alcoholic beverages during a certain event; requiring alcoholic beverages sold  
16 under the license to be purchased from a licensed wholesaler or retail dealer;  
17 prohibiting a licensed wholesaler from donating alcoholic beverages to the license  
18 holder; requiring the license holder to submit a certain financial statement within a  
19 certain time; altering the days and hours during which a license holder may exercise  
20 the privileges of the license; altering the fee for the license; making certain  
21 conforming changes; and generally relating to alcoholic beverages licenses in  
22 Washington County.

23 BY repealing and reenacting, without amendments,  
24 Article – Alcoholic Beverages

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**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.



1 Section 1–101(e) and 31–102  
2 Annotated Code of Maryland  
3 (2016 Volume and 2017 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article – Alcoholic Beverages  
6 Section 31–1301, 31–1312, and 31–1314  
7 Annotated Code of Maryland  
8 (2016 Volume and 2017 Supplement)

9 BY repealing  
10 Article – Alcoholic Beverages  
11 Section 31–1313  
12 Annotated Code of Maryland  
13 (2016 Volume and 2017 Supplement)

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

16 **Article – Alcoholic Beverages**

17 1–101.

18 (e) “Club” means an association or a corporation that is:

19 (1) organized and operated exclusively for educational, social, fraternal,  
20 patriotic, political, or athletic purposes; and

21 (2) nonprofit.

22 31–102.

23 This title applies only in Washington County.

24 31–1301.

25 (a) The following sections of Title 4, Subtitle 12 (“Temporary Licenses”) of  
26 Division I of this article apply in the county without exception or variation:

27 (1) § 4–1202 (“Per diem licenses”);

28 [(2) § 4–1203 (“Class C per diem beer and Class C per diem beer and wine  
29 licenses”);]

30 [(3)] (2) § 4–1206 (“License to dispose of stock”);

31 [(4)] (3) § 4–1207 (“Temporary move of licensed premises”);

1            ~~[(5)] (4)~~        § 4–1208 (“Hours and days of sale”); and

2            ~~[(6)] (5)~~        § 4–1209 (“Wine permit for fund–raising event”).

3            (b)    The following sections of Title 4, Subtitle 12 (“Temporary Licenses”) of  
4 Division I of this article do not apply in the county:

5            (1)    **§ 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER  
6 AND WINE LICENSES”);**

7            (2)    § 4–1204 (“Class C per diem beer, wine, and liquor license”), which is  
8 superseded by § 31–1312 of this subtitle; and

9            ~~[(2)] (3)~~        § 4–1205 (“License fees”), which is superseded by § 31–1314 of  
10 this subtitle.

11 31–1312.

12            (a)    There is a Class C per diem beer, wine, and liquor license.

13            (b)    The Board may issue the license to:

14            (1)    a club that has an annual on–sale beer, wine, and liquor license **FOR  
15 USE AT A PLACE OTHER THAN THE LICENSE HOLDER’S REGULAR PLACE OF  
16 BUSINESS; OR**

17            (2)    **A CORPORATION, A SOCIETY, AN ORGANIZATION, AN  
18 ASSOCIATION, OR ANY OTHER ENTITY THAT DOES NOT HAVE AN ANNUAL ON–SALE  
19 BEER, WINE, AND LIQUOR LICENSE AND HAS:**

20                            (I)    **NONPROFIT STATUS; OR**

21                            (II)   **A FEDERAL IDENTIFICATION NUMBER ASSIGNED BY THE  
22 INTERNAL REVENUE SERVICE.**

23            (c)    The license **AUTHORIZES THE LICENSE** holder [may] **TO sell OR SERVE** beer,  
24 wine, and liquor **FOR ON–PREMISES CONSUMPTION** at [a place other than the license  
25 holder’s regular place of business] **THE PLACE DESCRIBED IN THE LICENSE DURING AN  
26 EVENT THAT REQUIRES AN ADMISSION FEE, A TICKET, OR A DONATION.**

27            (d)    (1)    **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD  
28 MAY ISSUE MULTIPLE CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSES TO A  
29 SINGLE APPLICANT.**

1           **(2) A SEPARATE CLASS C PER DIEM BEER, WINE, AND LIQUOR**  
2 **LICENSE IS REQUIRED FOR EACH DAY OF A MULTIPLE DAY EVENT.**

3           **(3) The Board may not issue the CLASS C PER DIEM BEER, WINE, AND**  
4 **LIQUOR license for more than [5] 7 consecutive days.**

5           **(E) (1) AN APPLICANT FOR THE LICENSE SHALL:**

6                   **(I) SUBMIT AN APPLICATION ON THE FORM THAT THE BOARD**  
7 **PROVIDES; AND**

8                   **(II) PROVIDE PROOF THAT THE APPLICANT HAS:**

9                           **1. NONPROFIT STATUS; OR**

10                           **2. A FEDERAL IDENTIFICATION NUMBER ASSIGNED BY**  
11 **THE INTERNAL REVENUE SERVICE.**

12           **(2) (I) A LICENSE SHALL BE APPLIED FOR AND ISSUED TO THREE**  
13 **INDIVIDUALS AFFILIATED WITH THE APPLICANT, EACH OF WHOM:**

14                           **1. APPEARS IN PERSON TO PRESENT PROPER**  
15 **QUALIFICATIONS AT THE TIME THE APPLICATION IS FILED;**

16                           **2. IS AT LEAST 21 YEARS OLD; AND**

17                           **3. IS A REGISTERED VOTER IN THE COUNTY AND A**  
18 **CITIZEN OF THE UNITED STATES.**

19                   **(II) AT LEAST ONE OF THE INDIVIDUALS SHALL HAVE BEEN A**  
20 **RESIDENT OF THE COUNTY FOR THE 2 YEARS IMMEDIATELY BEFORE FILING THE**  
21 **APPLICATION.**

22           **(F) THE LICENSE HOLDER:**

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

26                   **(2) MAY NOT SERVE BEER, WINE, OR LIQUOR TO AN INDIVIDUAL WHO**  
27 **DOES NOT WEAR A WRISTBAND.**

1 (G) AT ALL TIMES DURING THE EVENT, THE LICENSE HOLDER SHALL  
2 ENSURE THAT:

3 (1) ONE CERTIFIED CROWD CONTROL MANAGER WHO HAS OBTAINED  
4 A CROWD CONTROL TRAINING CERTIFICATE FROM A PROGRAM THAT IS CERTIFIED  
5 BY THE BOARD IS ON THE LICENSED PREMISES FOR EVERY 250 INDIVIDUALS  
6 PRESENT; AND

7 (2) ONE INDIVIDUAL WHO HAS COMPLETED A CERTIFIED ALCOHOL  
8 AWARENESS PROGRAM IS ON THE LICENSED PREMISES.

9 (H) (1) ALCOHOLIC BEVERAGES SOLD UNDER THE LICENSE SHALL BE  
10 PURCHASED BY THE LICENSE HOLDER FROM A LICENSED WHOLESALER OR RETAIL  
11 DEALER.

12 (2) A LICENSED WHOLESALER MAY NOT DONATE ALCOHOLIC  
13 BEVERAGES TO THE LICENSE HOLDER.

14 (I) WITHIN 30 DAYS AFTER AN EVENT, THE LICENSE HOLDER SHALL  
15 SUBMIT TO THE BOARD A SIGNED AND NOTARIZED FINANCIAL STATEMENT  
16 SHOWING:

17 (1) THE TOTAL AMOUNT OF PROCEEDS FROM THE EVENT; AND

18 (2) THE DISBURSEMENT OF THE PROCEEDS.

19 (J) A LICENSE HOLDER MAY SELL OR SERVE BEER, WINE, AND LIQUOR:

20 (1) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE  
21 FOLLOWING DAY; OR

22 (2) ON SUNDAY, FROM NOON TO MIDNIGHT.

23 [31-1313.

24 (1) A picnic license authorizes a club owner to sell beer at a place other  
25 than the club owner's regular place of business.

26 (2) The license may be exercised only on Sunday between noon and  
27 midnight.]

28 31-1314.

29 The [license fee is:

- 1           (1)    \$15 per day for a Class C per diem beer license;
- 2           (2)    \$25 per day for a Class C per diem beer and wine license;
- 3           (3)    \$30 per day for a Class C per diem beer, wine, and liquor license, except
- 4 there is no fee on Sunday; and
- 5           (4)    \$15 per day for a “picnic” license] **FEE FOR A CLASS C PER DIEM**
- 6 **BEER, WINE, AND LIQUOR LICENSE IS \$100 PER DAY.**

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

8 1, 2018.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.