

Chapter 239

(Senate Bill 172)

AN ACT concerning

Kent County – Alcoholic Beverages – ~~Sales in Restaurants~~ Licenses

FOR the purpose of requiring a restaurant in Kent County to have average daily receipts from the sale of food that are at least a certain percentage of the total average daily receipts of the restaurant; requiring certain restaurants in Kent County to be equipped with a certain dining area and facilities; repealing certain requirements for Sunday sales for certain license holders in Kent County; repealing in Kent County the requirement that the average daily receipts from the sale of food in a restaurant with a Class B beer, wine, and liquor license be a certain percentage of the average daily receipts of the business; applying to a restaurant in Kent County the provision requiring a restaurant to have average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages; repealing the Kent County beer or wine tasting (BWT) license and establishing a beer, wine, and liquor tasting (BWL) license; specifying the license holder to whom the license may be issued; authorizing the tasting of certain alcoholic beverages under certain circumstances; specifying certain maximum amounts of alcoholic beverages that may be tasted under certain circumstances; establishing a certain fee; altering the hours of sale for holders of certain licenses in Kent County; and generally relating to sales of alcoholic beverages in Kent County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
 Section 1–101(a) and (x) and 24–102
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
 Section 24–101(a), 24–803, 24–902, 24–2002, 24–2003, and 24–2004
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

BY adding to

Article – Alcoholic Beverages
Section 24–104 and 24–1304
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing

Article – Alcoholic Beverages
Section 24–1304

Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

1–101.

(a) In this article the following words have the meanings indicated.

(x) (1) Subject to paragraph (2) of this subsection, “restaurant” means an establishment that:

(i) accommodates the public;

(ii) is equipped with a dining room with facilities for preparing and serving regular meals; and

(iii) has average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages.

(2) By regulation, a local licensing board may set a different standard as to what constitutes a restaurant.

24–101.

(a) In this title:

(1) **(I) the definitions in § [1–101] 1–101(B) THROUGH (W) AND (Y) THROUGH (EE) of this article apply without exception or variation; and**

(II) THE DEFINITION OF “RESTAURANT” IN § 1–101(X) OF THIS ARTICLE APPLIES, SUBJECT TO § 24–104 OF THIS SUBTITLE; AND

(2) the following words have the meanings indicated.

24–102.

This title applies only in Kent County.

24–104.

TO QUALIFY AS A RESTAURANT UNDER THIS TITLE, AN ESTABLISHMENT SHALL HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 25% OF THE TOTAL AVERAGE DAILY RECEIPTS OF THE ESTABLISHMENT.

24-803.

(a) There is a Class B beer and wine license.

(b) (1) The Board may issue the license for use [by] IN a restaurant approved by the Board that IS EQUIPPED WITH:

[(i) is fully equipped with a proper and adequate dining room;

[(ii) has sufficient facilities for preparing and serving meals to the public; and

[(iii) has average daily receipts from the sale of food totaling at least 60% of the average daily receipts of the business.]

(I) AN INDOOR, OUTDOOR, OR COMBINATION INDOOR AND OUTDOOR DINING AREA; AND

(II) FACILITIES FOR PREPARING AND SERVING MEALS TO THE PUBLIC.

(2) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on- and off-premises consumption.

(c) The annual license fee is \$1,000.

24-902.

(a) There is a Class B beer, wine, and liquor license.

(b) [(1)] The Board may issue the license for use in a restaurant ~~that~~ **APPROVED BY THE BOARD THAT IS EQUIPPED WITH:**

~~[(i)] (1) is fully equipped with a proper and adequate dining room;~~

~~[(ii)] (2) has sufficient facilities for preparing and serving meals to the public; and~~

~~[(iii)] (3) is approved by the Board.~~

(1) AN INDOOR, OUTDOOR, OR COMBINATION INDOOR AND OUTDOOR DINING AREA; AND

(2) FACILITIES FOR PREPARING AND SERVING MEALS TO THE PUBLIC.

[(2) When operating under the license, a holder's average daily receipts from the sale of food shall be at least 60% of the average daily receipts of the business.]

~~(e) On Sunday, the license holder may sell:~~

~~(1) beer, wine, and liquor for consumption on premises if:~~

~~(i) the customer is seated at a table and not at a bar or on a bar stool;~~

~~(ii) the alcoholic beverage is a supplement to the customer's meal;~~
and

~~(iii) the total price of the alcoholic beverages does not exceed the total price of the meal; and~~

~~(2) only beer and wine for off-premises consumption.~~

~~(d) (C)~~ The annual license fee is \$2,000.

[24-1304.

(a) There is a beer or wine tasting (BWT) license.

(b) The Board may issue a beer or wine tasting license to the holder of a Class A beer and wine license or a Class A beer, wine, and liquor license.

(c) (1) The license authorizes the holder to allow the on-premises consumption for tasting of:

(i) wine that contains not more than 22% alcohol by volume; or

(ii) beer.

(2) The selection of beer or wine offered at a tasting is not limited to beer or wine produced in the State.

(3) The holder of a license may offer for sale beer allowed for tasting if:

(i) the beer is sold in refillable containers that are sealed by the holder of the BWT license; and

(ii) unsold beer is returned to the provider.

(d) A holder of a license may allow consumption by an individual in 1 day in the quantity of:

(1) not more than 2 ounces of wine from each offering and not more than 4 ounces from all offerings of wine; or

(2) not more than 2 ounces of beer from each offering and not more than 6 ounces from all offerings of beer.

(e) A license holder may not conduct a wine tasting and a beer tasting on the same day.

(f) The annual license fee is \$200.]

24-1304.

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

(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A LICENSE.

(C) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION FOR TASTING OF:

(1) BEER, IF THE UNDERLYING LICENSE OF THE HOLDER IS A CLASS A BEER LICENSE;

(2) WINE, IF THE UNDERLYING LICENSE OF THE HOLDER IS A CLASS A WINE LICENSE;

(3) BEER AND WINE, IF THE UNDERLYING LICENSE OF THE HOLDER IS A CLASS A BEER AND WINE LICENSE; AND

(4) BEER, WINE, AND LIQUOR, IF THE UNDERLYING LICENSE OF THE HOLDER IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(D) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW AN INDIVIDUAL TO TASTE IN 1 DAY NOT MORE THAN:

(1) 2 OUNCES OF BEER FROM EACH OFFERING AND 6 OUNCES FROM ALL OFFERINGS OF BEER;

(2) 2 OUNCES OF WINE FROM EACH OFFERING AND 4 OUNCES FROM ALL OFFERINGS OF WINE; AND

(3) ONE-HALF OUNCE OF LIQUOR FROM EACH OFFERING AND 1.5 OUNCES FROM ALL OFFERINGS OF LIQUOR.

(E) IN ADDITION TO A FEE FOR ANY OTHER LICENSE HELD BY THE LICENSE HOLDER, THE ANNUAL FEE FOR A BWLT LICENSE IS \$200.

24-2002.

(a) A holder of a Class A beer license may sell beer[:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) on Sunday, from 9 a.m. to 2 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(b) A holder of a Class B beer license may sell beer[:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) subject to paragraph (2) of this subsection, on Sunday, from 9 a.m. to midnight] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(c) Reserved.

(d) A holder of a Class D beer license may sell beer[:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) on Sunday, from 9 a.m. to 2 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

24-2003.

(a) A holder of a Class A beer and wine license may sell beer and wine[:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) on Sunday, from 9 a.m. to 2 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(b) **[(1)]** A holder of a Class B beer and wine license may sell beer and wine[:

(i) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(ii) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(iii) on Sunday, from 9 a.m. to midnight only] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

[(2)] The license holder may not sell beer or wine at a bar or counter on Sunday.]

(c) Reserved.

(d) Reserved.

24-2004.

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor[:

(1) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(2) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(3) on Sunday, from 9 a.m. to 2 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(b) **[(1)]** A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor[:

(i) on Monday through Friday, from 6 a.m. to 2 a.m. the following day; and

(ii) on Saturday, from 6 a.m. to 1 a.m. the following day] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

[(2) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Sunday from 9 a.m. to midnight if:

(i) the customer is seated at a table and not at a bar or on a bar stool;

(ii) the alcoholic beverage is a supplement to the customer's meal;
and

(iii) the total price of the alcoholic beverage does not exceed the total price of the meal.

(3) The license holder may sell only beer and wine for off-premises consumption.

(4) A holder of a special Sunday (on-sale) beer, wine, and liquor privilege may sell beer, wine, and liquor on Sunday from noon to midnight at a restaurant that does not meet the requirements of paragraph (2) of this subsection if the restaurant:

(i) is fully equipped with a proper and adequate dining room;

(ii) has sufficient facilities for preparing and serving meals to the public; and

(iii) is approved by the Board.

(5) The annual fee for the privilege is \$100, which is in addition to the annual fee for the Class B (on-sale) beer, wine, and liquor restaurant license.

(6) The privilege is part of the Class B beer, wine, and liquor license and not a separate class of license.]

(c) [(1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor]:

(i) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(ii) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(iii) on Sunday, from 11 a.m. to midnight] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

[(2) (i) The Board may issue a special Sunday beer, wine, and liquor license to a holder of a Class C beer, wine, and liquor license.]

(ii) Not more than five special Sunday licenses may be issued to a single holder in the Class C license year.

(iii) The special Sunday license authorizes the holder to serve beer, wine, and liquor from 7 a.m. to midnight on Sunday for on-premises consumption.

(3) The license holder may not sell alcoholic beverages at a bar or counter on Sunday.

(4) The license fee is \$15.

(5) The prohibition under § 4-204 of this article against the issuance of two licenses for the same premises does not apply to the license.

(6) The Board shall adopt regulations to carry out this subsection.]

(d) [(1) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor]:

(i) on Monday through Friday, from 6 a.m. to 2 a.m. the following day;

(ii) on Saturday, from 6 a.m. to 1 a.m. the following day; and

(iii) on Sunday, from 9 a.m. to 2 a.m. the following day] **FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

[(2) On Sunday, the license holder may sell for off-premises consumption only beer and wine.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.