

# HOUSE BILL 1359

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By: **Wicomico County Delegation**

Introduced and read first time: February 23, 2021

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Wicomico County – Alcoholic Beverages – Class A Beer, Wine, and Liquor**  
3 **Licenses**

4 FOR the purpose of authorizing the holder of a Class A beer, wine, and liquor license in  
5 Wicomico County to elect to purchase certain wine and liquor from a licensed  
6 wholesaler rather than from the Liquor Control Board for the county under certain  
7 circumstances; excepting certain purchases from the monopoly on the sale and  
8 distribution of certain wine and liquor held by the Liquor Control Board; requiring  
9 the license holder to provide notice to the Liquor Control Board of the holder's  
10 intention to purchase from a licensed wholesaler in a certain manner; requiring the  
11 Liquor Control Board to issue a certain letter of confirmation to the license holder;  
12 requiring the license holder to display the letter of confirmation in a certain manner;  
13 limiting the purchase price of certain alcoholic beverages that the license holder  
14 purchases from a county dispensary; authorizing the license holder to sell alcoholic  
15 beverages during certain hours on Sundays; and generally relating to alcoholic  
16 beverages in Wicomico County.

17 BY repealing and reenacting, without amendments,  
18 Article – Alcoholic Beverages  
19 Section 32–102  
20 Annotated Code of Maryland  
21 (2016 Volume and 2020 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Alcoholic Beverages  
24 Section 32–306, 32–901, and 32–2004  
25 Annotated Code of Maryland  
26 (2016 Volume and 2020 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Alcoholic Beverages**

1  
2 32–102.

3 This title applies only in Wicomico County.

4 32–306.

5 (A) Subject to § 1–319 of this article **AND EXCEPT AS PROVIDED IN SUBSECTION**  
6 **(B) OF THIS SECTION**, the Liquor Control Board has a monopoly on the sale and  
7 distribution in the county of:

8 (1) wine that contains more than 15.5% alcohol by volume; and

9 (2) liquor.

10 (B) (1) (I) **THE HOLDER OF A CLASS A BEER, WINE, AND LIQUOR**  
11 **LICENSE IN THE COUNTY MAY ELECT TO PURCHASE WINE OR LIQUOR FROM A**  
12 **LICENSED WHOLESALER BY PROVIDING WRITTEN NOTICE OF THE LICENSE**  
13 **HOLDER’S INTENT TO THE LIQUOR CONTROL BOARD AT LEAST 60 DAYS BEFORE**  
14 **THE DATE THAT THE PURCHASING ACTIVITY IS TO START.**

15 (II) **THE NOTICE SHALL CONTAIN:**

16 1. **THE NAME OF THE LICENSE HOLDER;**

17 2. **THE NAME AND ADDRESS OF THE LICENSED**  
18 **PREMISES; AND**

19 3. **THE DATE THAT THE NOTICE WAS SENT TO THE**  
20 **LIQUOR CONTROL BOARD.**

21 (2) **A LICENSE HOLDER THAT MEETS THE REQUIREMENTS OF THIS**  
22 **SUBSECTION MAY PURCHASE WINE OR LIQUOR FROM A LICENSED WHOLESALER IN**  
23 **ADDITION TO OR INSTEAD OF THE LIQUOR CONTROL BOARD.**

24 (3) (I) **THE LIQUOR CONTROL BOARD SHALL ISSUE A LETTER OF**  
25 **CONFIRMATION TO A LICENSE HOLDER THAT MEETS THE REQUIREMENTS OF THIS**  
26 **SUBSECTION.**

27 (II) **THE LICENSE HOLDER SHALL DISPLAY THE LETTER**  
28 **CONSPICUOUSLY ON THE LICENSED PREMISES.**

29 32–901.

- 1 (a) There is a Class A beer, wine, and liquor license.
- 2 (b) (1) A license may be issued only to an establishment that has been:
- 3 (i) issued a Class B license; and
- 4 (ii) continually operating as a restaurant in the county since at least
- 5 3 months before the application for the license.
- 6 (2) The Board may not issue a license to an establishment that is a
- 7 corporation or limited liability company unless the license applicant owns 75% of the total
- 8 issued capital stock of the corporation or the limited liability company.
- 9 (3) The Board may issue not more than three licenses in the county.
- 10 (c) (1) Subject to paragraph (2) of this subsection, the license authorizes the
- 11 license holder to sell beer, wine, and liquor, at retail at the place described in the
- 12 application, for off-premises consumption.
- 13 (2) The place described in the application:
- 14 (i) may not exceed 20% of the area normally used in the operation
- 15 of the restaurant business; and
- 16 (ii) shall be contiguous to and adjoin the restaurant establishment.
- 17 (d) The license may not be issued for a drugstore unless the applicant:
- 18 (1) has been doing business at the location applied for in the license for at
- 19 least 1 year before the date of the application for the license;
- 20 (2) is the assignee of a business established for at least 1 year before the
- 21 date of the application for the license at the location applied for; or
- 22 (3) has been engaged in the retail drug business for at least 3 years.
- 23 (e) (1) **[The] EXCEPT AS PROVIDED IN § 32-306(B) OF THIS TITLE, THE**
- 24 license holder shall purchase liquor for retail sale from a county dispensary.
- 25 (2) **[The] FOR ALCOHOLIC BEVERAGES PURCHASED FROM THE**
- 26 **DISPENSARY, THE** license holder shall be charged not more than 15% above the wholesale
- 27 operating cost to the dispensary.
- 28 (f) The annual license fee is \$4,400 and is in addition to the fee paid for the Class
- 29 B license.

1 32-2004.

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

4 (1) on Monday through Saturday, from 6 a.m. to midnight; AND

5 (2) ON SUNDAY, FROM 10 A.M. TO MIDNIGHT.

6 (b) (1) A holder of a Class B beer, wine, and liquor (on-sale) license may sell  
7 beer, wine, and liquor:

8 (i) on Monday through Saturday, from 10 a.m. to 2 a.m. the  
9 following day; and

10 (ii) on Sunday, from 10 a.m. to midnight, only to customers who are  
11 seated at tables on the premises.

12 (2) The license holder may not sell beer, wine, or liquor at a bar or counter  
13 on Sunday.

14 (c) (1) Subject to paragraph (2) of this subsection, a holder of a Class B-SWL  
15 license may sell wine for off-premises consumption:

16 (i) on Monday through Saturday, from 10 a.m. to midnight; and

17 (ii) on Sunday, from 12:30 p.m. to midnight.

18 (2) A holder of a Class B-SWL license may exercise the privileges under  
19 paragraph (1) of this subsection only if the licensed premises is open for business as a  
20 restaurant.

21 (d) (1) A holder of a Class C club beer, wine, and liquor license may sell beer,  
22 wine, and liquor:

23 (i) on Monday through Saturday, from 10 a.m. to 2 a.m. the  
24 following day; and

25 (ii) on Sunday, from 12:30 p.m. to midnight, only to customers who  
26 are seated on the premises.

27 (2) The license holder may not sell beer, wine, or liquor at a bar or counter  
28 on Sunday.

29 (e) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and  
30 liquor on Monday through Saturday, from 10 a.m. to 2 a.m. the following day.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2   1, 2021.