Article - Alcoholic Beverages and Cannabis

§1–101.

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

(b) (1) "Alcoholic beverage" means a spirituous, vinous, malt, or fermented liquor, liquid, or compound that:

(i) contains at least one–half of 1% of alcohol by volume; and

(ii) is suitable for beverage purposes.

(2) "Alcoholic beverage" includes alcohol, brandy, whiskey, rum, gin, cordial, beer, and wine.

(3) "Alcoholic beverage" does not include a confectionery food product that contains up to 5% of alcohol by volume and is regulated by the Maryland Department of Health under § 21–209 of the Health – General Article.

(c) (1) "Beer" means a brewed alcoholic beverage.

(2) "Beer" includes:

(i) ale;

(ii) porter;

(iii) stout;

(iv) hard cider that:

1. is derived primarily from apples, apple concentrate and water, pears, or pear concentrate and water; and

2. contains no other fruit product but contains at least one–half of 1% and less than 8.5% of alcohol by volume;

(v) an alcoholic beverage that contains:

1. 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of the alcoholic beverage's overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol; or

2. more than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5% of the alcoholic beverage's overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol; and

(vi) mead.

(d) (1) "Cannabis" means the plant Cannabis sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta–9–tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis.

(2) "Cannabis" includes cannabis products, seeds, seedlings, immature plants, and clones.

(3) "Cannabis" does not include hemp or hemp products, as defined in § 14–101 of the Agriculture Article.

(e) "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(f) "Club" means an association or a corporation that is:

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

(2) nonprofit.

(g) "Commission" means the Alcohol, Tobacco, and Cannabis Commission.

(h) (1) "Comptroller" means the Comptroller of the State.

(2) "Comptroller" includes a deputy, an inspector, a clerk, or any other individual authorized to act by the Comptroller.

(i) "Consumer" means an individual at least 21 years old or a corporation not otherwise prohibited by this article or any other State law, that buys, possesses, keeps, or transports alcoholic beverages on which the taxes under Title 5 of the Tax – General Article have been paid, for the individual's or corporation's own use and not for sale.

(j) "County" means a county of the State or Baltimore City.

(k) (1) "Executive Director" means the Executive Director of the Commission.

(2) "Executive Director" includes a deputy, an inspector, a clerk, or any other individual authorized to act by the Executive Director.

(l) (1) "Family beer" means homemade beer produced for home consumption and not for sale.

(2) "Family beer" includes beer produced at a family beer and wine facility that has been granted a permit under § 2–138 of this article.

(m) (1) "Family wine" means homemade wine produced for home consumption and not for sale.

(2) "Family wine" includes wine produced at a family beer and wine facility that has been granted a permit under § 2–138 of this article.

(n) (1) Subject to paragraph (2) of this subsection, "hotel" means an establishment that:

(i) accommodates the public;

(ii) is equipped with at least 10 bedrooms and a dining room with facilities for preparing and serving regular meals; and

(iii) has average daily receipts from the rental of rooms and 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 hotel.

(o) "Illicit alcoholic beverage" means an alcoholic beverage that has been manufactured, bottled, or rectified:

(1) in the State at a location not licensed under this article; or

(2) outside the State at a location not licensed under the United States Internal Revenue Code or the laws of a foreign country.

(p) "Jurisdiction" means a county or the City of Annapolis.

(q) "License" means an alcoholic beverages license issued under this article.

(r) (1) "License holder" means the holder of an alcoholic beverages license issued or a permit granted under this article.

(2) "License holder" includes:

(i) a county liquor control board and a county dispensary; and

(ii) for the delivery and billing purposes of Title 2, Subtitle 3 and §§ 2–213 and 2–314 of this article, a corporation on behalf of which an individual has obtained a license.

(s) "Liquor" has the same meaning as "distilled spirits" under § 5–101(g) of the Tax – General Article.

(t) (1) "Local collecting agent" means:

(i) in the City of Annapolis, the city clerk;

(ii) in Allegany County, Baltimore County, Howard County, Prince George's County, or Wicomico County, the director of finance;

(iii) in Calvert County, Dorchester County, St. Mary's County, or Somerset County, the treasurer of the county; or

(iv) in each other county, the board of license commissioners unless another governmental unit is expressly authorized to collect fees under this article.

(2) "Local collecting agent" does not include a clerk of a circuit court.

(u) "Local licensing board" means a board of license commissioners or other governmental unit of a jurisdiction that issues licenses.

(v) "Manufacturer's license" means a license issued under Title 2, Subtitle 2 of this article that is:

(1) a Class 1 distillery license;

(2) a Class 2 rectifying license;

(3) a Class 3 winery license;

(4) a Class 4 limited winery license;

(5) a Class 5 brewery license;

(6) a Class 6 pub–brewery license;

(7) a Class 7 micro–brewery license;

(8) a Class 8 farm brewery license; or

(9) a Class 9 limited distillery license.

(w) "Mead" means a fermented alcoholic beverage consisting primarily of honey and water.

(x) "Off–sale" means the sale of alcoholic beverages that are to be consumed off the licensed premises.

(y) "On–sale" means the sale of alcoholic beverages that are to be consumed on the licensed premises.

(z) "Person" means:

(1) an individual;

(2) an association, a partnership, a corporation, a trust, or any other entity, and the officers, directors, and other individuals in active control of the activities of the association, partnership, corporation, trust, or other entity; or

(3) (i) the State or a political subdivision of the State, or a unit or an instrumentality of the State or a political subdivision of the State; or

(ii) another state or a political subdivision of that state.

(aa) "Political subdivision" means a county or a municipality.

(bb) "Pomace brandy" means brandy that is distilled from the pulpy residue of wine pressing, including the skins, pips, and stalks of grapes.

(cc) (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.

(dd) (1) "Retail dealer" means a person that sells an alcoholic beverage to any person other than a license holder.

(2) "Retail dealer" includes a county dispensary.

(ee) "7–day license" means a license that is in effect every day of the week.

(ff) "6–day license" means a license that is in effect Monday through Saturday.

(gg) (1) Except as provided in paragraph (2) of this subsection, "state" means:

(i) a state, possession, territory, or commonwealth of the United States; or

(ii) the District of Columbia.

(2) When capitalized, "State" means Maryland.

(hh) "Tobacco" includes cigarettes regulated under Title 16 of the Business Regulation Article and other tobacco and related products regulated under Title 16.5, 16.7, or 16.9 of the Business Regulation Article.

(ii) (1) "Wholesaler" means:

(i) a person that purchases or imports an alcoholic beverage for sale to wholesale dealers or retail dealers only; or

(ii) a limited winery that sells wine to retail dealers.

(2) "Wholesaler" includes:

(i) a county liquor control board; and

(ii) a county wholesale dispensary.

(jj) "Wholesaler's license" means a license issued under Title 2, Subtitle 3 of this article that is:

(1) a Class 1 beer, wine, and liquor license;

(2) a Class 2 wine and liquor license;

(3) a Class 3 beer and wine license;

(4) a Class 4 beer license;

(5) a Class 5 wine license;

(6) a Class 6 limited wine license; or

(7) a Class 7 limited beer license.

(kk) (1) "Wine" means a fermented beverage.

(2) "Wine" includes:

(i) light wine;

(ii) sparkling wine that is naturally or artificially carbonated; and

(iii) fortified wine to which alcohol, spirits, or other ingredients are added.

§1–201.

(a) (1) (i) To obtain respect and obedience to law and to foster and promote temperance, it is the policy of the State to regulate and control:

1. the manufacture, sale, distribution, transportation, and storage of alcoholic beverages in the State; and

2. the transportation and distribution of alcoholic beverages into and out of the State.

(ii) To carry out this policy in the best public interest, it is the intent of the General Assembly that the Commission, Executive Director, local licensing boards, liquor control boards, enforcement officers, and judges of the courts of the State be empowered to administer and enforce this article.

(2) It is also the policy of the State to:

(i) tax alcoholic beverages as provided in the Tax – General Article; and

(ii) deny to a political subdivision in the State, by public general or public local law, the power to impose a tax on distilled spirits, beer, wine, and all other alcoholic beverages.

(3) The restrictions, regulations, provisions, and penalties contained in this article are for the protection, health, welfare, and safety of the people of the State.

(b) (1) It continues to be the policy of the State to authorize the exercise of the powers provided by this article to displace or limit economic competition by regulating and engaging in the sale or distribution of alcoholic beverages to:

(i) obtain respect and obedience to law;

(ii) foster and promote temperance;

(iii) prevent deceptive, destructive, and unethical business practices; and

(iv) promote the general welfare of its residents by controlling the sale and distribution of alcoholic beverages.

(2) The officials and units granted powers by this article to regulate and engage in the alcoholic beverages industry may:

(i) displace or limit economic competition by regulating and engaging in the sale or distribution of alcoholic beverages on an exclusive basis as provided in this article; and

(ii) adopt and enforce regulations authorized by this article notwithstanding any anticompetitive effect.

(3) The powers granted to an official or a unit in accordance with this subsection do not:

(i) grant to the official or unit powers in any substantive area not otherwise granted to the official or unit by other public general or public local law;

(ii) restrict the official or unit from exercising any power granted to the official or unit by other public general or public local law or otherwise;

(iii) authorize the official or unit or officers of the unit to engage in any activity that is beyond their power under a public general or public local law or otherwise; or

(iv) preempt or supersede the regulatory authority of a State unit under a public general law.

§1–202.

(a) To the extent that a statement of a general rule of law conflicts or is inconsistent with an exception or a qualification applicable to a special area, particular person, or set of circumstances, the exception or qualification prevails.

(b) A provision in Division II of this article prevails over a conflicting or inconsistent provision in Division I of this article or a provision in the Tax – General Article relating to alcoholic beverages.

(c) A provision in Division III of this article prevails over a conflicting or inconsistent provision in Division I or Division II of this article or a provision in the Tax – General Article relating to cannabis.

§1–203.

A municipality may not impose an additional license fee or tax other than the usual property tax on alcoholic beverages or the exercise of a privilege conferred by a license.

§1–301.

In this subtitle, "Division director" means the director of the Field Enforcement Division of the Office of the Executive Director.

§1–302.

There is an Alcohol, Tobacco, and Cannabis Commission.

§1–303.

(a) (1) The Commission consists of five members to be appointed by the Governor with the advice and consent of the Senate.

(2) The presiding officer of either House of the General Assembly may recommend to the Governor a list of individuals for appointment to the Commission.

(3) Of the Commission members:

(i) one shall be knowledgeable and experienced in public health matters;

(ii) one shall be knowledgeable and experienced in law enforcement matters;

(iii) one shall be knowledgeable and experienced in the alcoholic beverages industry; and

(iv) two shall be members of the public who are knowledgeable and experienced in fiscal matters and shall have substantial experience:

1. as an executive with fiduciary responsibilities in charge of a large organization or foundation;

2. in an academic field relating to finance or economics; or

3. as an accountant, an economist, or a financial analyst.

(4) In addition to the members appointed under paragraph (3) of this subsection, the Secretary of Health and the Secretary of State Police, or their designees, may participate in the Commission as ex officio nonvoting members.

(b) At the time of appointment, each member of the Commission shall be:

(1) at least 25 years old;

(2) a resident of the State who has resided in the State for at least 5 years;

(3) a qualified voter of the State; and

(4) an individual who has not been convicted of or granted probation before judgment for a serious crime or a crime that involves moral turpitude.

(c) (1) The term of a member is 5 years.

(2) The terms of members are staggered as required by the terms provided for members of the Commission on June 30, 2020.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve for more than two full terms.

(d) (1) Subject to the hearing requirements of this subsection, the Governor may remove a member for cause.

(2) Before the Governor removes a member, the Governor shall give the member notice and an opportunity for a public hearing.

§1–304.

(a) A member of the Commission may not:

(1) have a direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests, in the alcohol, tobacco, or cannabis industries;

(2) have an official relationship to a person who holds a license or permit under this article or Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article;

(3) be an elected official;

(4) receive or share in, directly or indirectly, the receipts or proceeds of any activities conducted in the alcohol, tobacco, or cannabis industries;

(5) have a beneficial interest in any contract for the manufacture or sale of any device or product or the provision of any independent consulting services in connection with a holder of a license or permit issued under this article or Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article; or

(6) accept a contribution of money or property worth at least $100 from an entity or individual associated with the alcohol, tobacco, or cannabis industries with respect to the regulation of alcohol, tobacco, or cannabis.

(b) A member of the Commission shall file a financial disclosure statement with the State Ethics Commission in accordance with Title 5, Subtitle 6 of the General Provisions Article.

§1–305.

From among its members, the Commission annually shall elect a chair.

§1–306.

(a) A majority of the full authorized membership of the Commission is a quorum.

(b) The Commission shall meet monthly at the times and places that the Commission determines.

(c) (1) The secretary of the Commission promptly shall send the Governor a certified copy of the minutes of each meeting of the Commission.

(2) The minutes shall include a copy of each regulation that is adopted.

(d) Each member of the Commission is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the budget of the Commission.

(e) (1) With the advice of the Commission, the Executive Director may employ staff in accordance with the State budget.

(2) The staff of the Commission is in the State Personnel Management System.

§1–307.

(a) The Commission has the powers and duties set forth in this section.

(b) The Commission shall:

(1) educate the public, by resource sharing and serving as an information clearinghouse, on such topics as:

(i) recent increases in alcohol content for popular beer and other beverages;

(ii) the proper limits of drinking for adults;

(iii) the adverse consequences of surpassing those limits;

(iv) parental or adult responsibility for serving alcohol to underage individuals; and

(v) comparable topics relating to smoking, vaping, tobacco, other tobacco products, electronic nicotine delivery systems, cannabis, and cannabis products; and

(2) subject to federal approval, ensure that all alcoholic beverages sold in the State with an alcohol content exceeding 4.5% by volume bear a large and conspicuous label stating the percentage of alcohol content.

(c) (1) The Commission shall conduct studies of:

(i) the operation and administration of similar laws in other states or countries; and

(ii) federal laws that may affect the operation of the alcohol, tobacco, or cannabis industries, the literature on those industries, and the reaction of residents of the State to existing and potential features of those industries.

(2) The Commission shall submit to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly the studies required under this subsection.

§1–308.

The Commission shall develop best practices for:

(1) the dedication of a minimum effective portion of the budget of a local licensing board to administrative enforcement activities, such as inspections, compliance checks, overservice, operations, and trade practice violations;

(2) the carrying out of compliance checks for alcoholic beverages licenses, in which each license is checked at least once a year;

(3) the development of guidelines for the minimum capacity of inspections carried out by inspectors of local licensing boards, based on the number and type of licensed outlets in the licensing jurisdiction;

(4) ensuring that alcoholic beverages inspections be based on data such as the violation history of the license holder, and calls for emergency assistance, emergency medical service, or nonemergency service, so that resources are being allocated based on where the greatest need is;

(5) the reporting of aggregate data between local police and local licensing boards;

(6) the development of mandatory State–provided training for liquor inspectors;

(7) reporting by the State to the affected local licensing board of a State–issued license or permit within 10 days after the State receives an application;

(8) the development of a public health impact statement for all changes to the State alcoholic beverages laws; and

(9) ensuring that:

(i) all license holders, managers, and servers receive certification from an approved alcohol awareness program; and

(ii) at least one employee who is certified in an alcohol awareness program be on the licensed premises at all times when alcoholic beverages are served.

§1–309.

(a) With the advice and consent of the Senate, the Governor shall appoint an Executive Director of the Commission.

(b) The Executive Director serves at the pleasure of the Governor.

(c) The Executive Director shall:

(1) have the training and experience, including knowledge of the Maryland alcohol, tobacco, and cannabis regulatory system, that is needed to direct the work of the Commission; and

(2) devote full time to the duties of office and may not engage in another profession or occupation.

(d) The Executive Director may be a sworn police officer with the powers granted to an officer or employee of the Field Enforcement Division under § 1–313 of this subtitle.

(e) The Executive Director is entitled to the salary provided in the State budget.

§1–309.1.

(a) In this section, "Advisory Board" means the Advisory Board on Medical and Adult–Use Cannabis.

(b) There is an Advisory Board on Medical and Adult–Use Cannabis.

(c) The Advisory Board shall:

(1) consider all matters submitted to it by the Office of Social Equity, the Governor, the Maryland Cannabis Administration, or the General Assembly; and

(2) study and make recommendations on:

(i) the impact on the legal medical and adult–use cannabis industry in the State if the federal government:

1. reschedules cannabis from Schedule I to Schedule III under the federal Controlled Substances Act; or

2. removes cannabis from the list of controlled substances under the federal Controlled Substances Act;

(ii) measures to protect and promote the legal medical and adult–use cannabis industry in the State if cannabis is:

1. rescheduled from Schedule I to Schedule III; or

2. removed from the federal Controlled Substances Act;

(iii) measures to enable standard and micro cannabis licensees and small businesses to compete in interstate commerce related to the cultivation, manufacture, distribution, and testing of cannabis and cannabis products;

(iv) methods to ensure that there is an adequate supply of affordable cannabis and cannabis products for qualifying patients, including cannabis and cannabis products containing varying levels of potency; and

(v) methods to assist social equity applicants, social equity licensees, and small, minority, and women–owned businesses to:

1. access funds for operating or capital expenses associated with a business participating in the medical and adult–use cannabis industry;

2. obtain financing from a lender, as defined in § 36–1401 of this article; and

3. partner with operational cannabis licensees in ways that the social equity applicants or licensees or small, minority, or women–owned businesses retain ownership and control of the licenses and businesses.

(d) (1) The Advisory Board consists of the following members, appointed by the Governor with the advice and consent of the Senate:

(i) three members that have substantial experience in one or more of the following:

1. cannabis law, science, or policy;

2. public health or health care;

3. agriculture;

4. finance; or

5. addiction treatment;

(ii) one academic researcher with at least 5 years of experience in social or health equity;

(iii) one representative of an independent testing laboratory registered under § 36–408 of this article;

(iv) two representatives who hold a standard grower license under § 36–401 of this article;

(v) two representatives who hold a standard processor license under § 36–401 of this article;

(vi) two representatives who hold a standard dispensary license under § 36–401 of this article;

(vii) two representatives who hold a micro grower license under § 36–401 of this article;

(viii) two representatives who hold a micro processor license under § 36–401 of this article;

(ix) two representatives who hold a micro dispensary license under § 36–401 of this article;

(x) one representative who holds an incubator space license under § 36–401 of this article;

(xi) one representative who holds an on–site consumption license under § 36–401 of this article;

(xii) one representative of an organization that advocates on behalf of patients who engage in the medical use of cannabis;

(xiii) one representative of an organization that advocates on behalf of consumers who engage in the adult use of cannabis; and

(xiv) one health care provider who is registered to certify patients to obtain medical cannabis under § 36–301 of this article.

(2) The Advisory Board shall elect a chair from among its members.

(e) The President of the Senate and the Speaker of the House may recommend to the Governor a list of individuals for appointment to the Advisory Board.

(f) (1) The term of a member of the Advisory Board is 4 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) An appointed member may not serve more than two full terms.

(4) The positions for members appointed under subsection (d)(1)(vii) through (xi) of this section become effective when the first licenses are issued under those respective license types.

(g) An appointed member of the Advisory Board must be:

(1) at least 25 years old;

(2) a resident of the State who has resided in the State for at least the immediately preceding 5 years before the appointment; and

(3) a registered voter of the State.

(h) The Advisory Board shall establish at least two subcommittees to focus on medical and adult–use cannabis.

(i) To the extent practicable and consistent with federal and State law, the membership of the Advisory Board shall reflect the racial, ethnic, and gender diversity of the State.

(j) The Maryland Cannabis Administration shall provide staff for the Advisory Board.

§1–310.

The Executive Director and all employees in the Office of the Executive Director may not accept a contribution of money or property worth at least $100 from an entity or individual associated with the alcohol, tobacco, or cannabis industries with respect to regulation of alcohol, tobacco, or cannabis.

§1–311.

(a) The Executive Director shall adopt regulations to discharge the duties under:

(1) this article; and

(2) Titles 16, 16.5, 16.7, and 16.9 of the Business Regulation Article.

(b) The Executive Director may adopt regulations regarding:

(1) labeling and advertising similar to the regulations adopted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury;

(2) nature, form, and capacity of containers;

(3) credit sales;

(4) records to be kept by license holders and others engaged in the business;

(5) the amount of deposit on returnable beer containers that manufacturers and wholesalers of beer charge and collect; and

(6) any other subject the Executive Director considers necessary for the proper administration of the duties of the Executive Director under this article, Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article, or the provisions of the Tax – General Article relating to the alcoholic beverage tax or the tobacco tax.

(c) (1) Any violation of a regulation adopted by the Executive Director under this article, Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article, or the provisions of the Tax – General Article relating to the alcoholic beverage tax or the tobacco tax is grounds to revoke or suspend a license.

(2) The violator is subject to the penalties provided under § 6–402(a) of this article.

§1–312.

By regulation, the Executive Director may:

(1) establish or prohibit the maximum discounts that may be allowed by a manufacturer, wholesaler, or nonresident winery permit holder in the sale and distribution of wine and liquor; or

(2) prohibit the giving of discounts by a manufacturer, wholesaler, or nonresident winery permit holder in the sale and distribution of wine and liquor.

§1–313.

(a) There is a Field Enforcement Division in the Office of the Executive Director.

(b) (1) The Field Enforcement Division may employ officers and employees as provided in the State budget.

(2) The officers and employees of the Field Enforcement Division:

(i) shall be sworn police officers;

(ii) shall have the powers, duties, and responsibilities of peace officers to enforce the provisions of this article relating to:

1. the unlawful importation of alcoholic beverages, tobacco, and cannabis into the State;

2. the unlawful manufacture of alcoholic beverages, tobacco, and cannabis in the State;

3. the transportation and distribution throughout the State of alcoholic beverages, tobacco, and cannabis that are manufactured illegally and on which any alcoholic beverages taxes, tobacco taxes, or cannabis taxes imposed by the State are due and unpaid; and

4. the manufacture, sale, barter, transportation, distribution, or other form of owning, handling, or dispersing alcoholic beverages, tobacco, or cannabis by any person not licensed or authorized under this article, provisions of the Tax – General Article relating to alcoholic beverages, tobacco, or cannabis, or provisions of the Business Regulation Article relating to alcoholic beverages, tobacco, or cannabis;

(iii) may issue a citation or other charging document to a person who has committed a violation of § 10–108 of the Criminal Law Article; and

(iv) may make cooperative arrangements for and work and cooperate with the Office of the Comptroller, local State's Attorneys, sheriffs, bailiffs, police, and other prosecuting and peace officers to enforce this article.

(c) The Field Enforcement Division:

(1) shall consult with and advise the local State's Attorneys and other law enforcement officials and police officers regarding enforcement problems in their respective jurisdictions; and

(2) may recommend changes to improve the administration of this article, provisions of the Tax – General Article relating to alcoholic beverages, tobacco, and cannabis, and provisions of the Business Regulation Article relating to tobacco.

§1–314.

The Executive Director may delegate authority under this article, provisions of the Tax – General Article relating to alcoholic beverages and tobacco, and provisions of the Business Regulation Article relating to tobacco to the Division director or a designee to issue or refuse to issue licenses and permits.

§1–315.

(a) Except as provided in subsection (b) of this section, the Executive Director may delegate authority to conduct hearings on violations of this article or of any regulations adopted under this article, the provisions of the Tax – General Article relating to alcoholic beverages or tobacco, or the provisions of the Business Regulation Article relating to tobacco to the Division director or any other employee of the Executive Director's office.

(b) The Division director or any other employee of the Executive Director's office delegated authority to conduct hearings under subsection (a) of this section:

(1) may not impose a penalty provided for under this article or a provision of the Tax – General Article relating to alcoholic beverages; and

(2) shall report the findings and recommendations to the Executive Director to take the action that the Executive Director considers appropriate.

§1–316.

To provide a basis for annual comparison of the scope of the alcoholic beverages industry in the State and the consumption habits of residents of the State, the Executive Director shall submit to the Governor and, in accordance with § 2–1257 of the State Government Article, to the General Assembly, an annual report on or before December 1 of each year that includes statistical information on the alcoholic beverages business in the State that the Executive Director believes to be of interest to the public and the industry.

§1–317.

(a) The Executive Director shall:

(1) maintain a record of:

(i) each license issued or approved under this article and Titles 16, 16.5, 16.7, and 16.9 of the Business Regulation Article; and

(ii) any revocation, suspension, or cancellation of a license and any restriction imposed on a license with a brief explanation of the reason for the action; and

(2) allow any person to inspect the records at the Office of the Executive Director during regular business hours.

(b) The records of licenses required under subsection (a) of this section and any indices or dockets created to maintain the records:

(1) shall be retained for the later to occur of:

(i) 3 years after the date of the last record entry; or

(ii) the date on which all audit requirements have been complied with; and

(2) may be destroyed after:

(i) the retention period in item (1) of this subsection has expired; and

(ii) Title 10, Subtitle 6, Part III of the State Government Article has been complied with.

§1–318.

The Executive Director may:

(1) under § 6–202 of this article, inspect and search a building, vehicle, or premises where alcoholic beverages are authorized to be kept, transported, manufactured, or sold;

(2) under § 6–203 of this article, use certain equipment and other means to measure the quantity and quality of alcoholic beverages; and

(3) under § 6–204 of this article, issue summonses for witnesses for hearings and inquiries.

§1–319.

The Executive Director shall enforce the provisions of this article and provisions of the Tax – General Article relating to alcoholic beverages applicable to:

(1) the purchase or importation of alcoholic beverages by a department of liquor control, a liquor control board, or the Alcohol Beverage Services for Montgomery County; and

(2) the sale of alcoholic beverages to a wholesaler or retail dealer by a department of liquor control, a liquor control board, or the Alcohol Beverage Services for Montgomery County.

§1–320.

The Executive Director may:

(1) investigate the manufacture, sale, purchase, use, and transportation of industrial alcohol unfit for beverage use to the extent reasonably necessary to prevent conversion into an alcoholic beverage fit for consumption; and

(2) request information and assistance from other administrative units of the State, county, and municipal governments, county and municipal police departments, and all prosecuting officers as considered necessary by the Executive Director to carry out this article and provisions of the Tax – General Article relating to alcoholic beverages.

§1–321.

(a) In order to increase efficiency and accuracy in the performance of their respective duties and responsibilities under this article and other laws relating to alcohol and tobacco, the Commission and the Comptroller shall:

(1) cooperate and share information and personnel in investigations of licensed premises and other locations and materials relating to the enforcement of the alcohol and tobacco laws of the State;

(2) cooperate and share information and personnel in other matters relating to the manufacture, processing, importation, taxation, sale, and service of alcohol and tobacco in the State; and

(3) enter into a memorandum of understanding for cooperative activities in inspections and other enforcement activities relating to the alcohol and tobacco laws of the State.

(b) (1) The Commission may enter into memoranda of understanding and other cooperative arrangements with federal, State, and local governmental units in carrying out this article and other alcohol and tobacco laws of the State in

the interest of reducing duplication of efforts and reducing the overall costs of administration of inspection and enforcement programs to the State.

(2) The Executive Director may also enter into memoranda of understanding and other cooperative arrangements with federal, State, and local governmental units to address operational matters and efficiencies in carrying out this article and other alcohol and tobacco laws of the State.

§1–322.

(a) (1) In this section the following words have the meanings indicated.

(2) "Administration" has the meaning stated in § 36–101 of this article.

(3) "Cannabis licensee" has the meaning stated in § 36–101 of this article.

(4) "Grant Program" means the Social Equity Partnership Grant Program.

(5) "Office" means the Office of Social Equity.

(6) (i) "Qualifying partnership" means a meaningful partnership between an operational cannabis licensee and a social equity licensee that:

1. supports or advises the social equity licensee; and

2. is authorized by the Administration.

(ii) "Qualifying partnership" includes a partnership through which the operational cannabis licensee provides any of the following to a social equity licensee:

1. training;

2. mentorship; or

3. shared commercial space or equipment.

(7) "Social equity licensee" has the meaning stated in § 36–101 of this article.

(b) (1) There is a Social Equity Partnership Grant Program in the Office.

(2) The purpose of the Grant Program is to promote qualifying partnerships between operational cannabis licensees and social equity licensees.

(c) (1) The Office shall implement and administer the Grant Program, including by clearly defining the parameters of a qualifying partnership.

(2) Subject to paragraph (3) of this subsection, the Office has discretion to approve, deny, or revoke qualifying partnerships.

(3) (i) The Office may approve qualifying partnerships where a cost or other fee is imposed by an operational cannabis licensee on a social equity licensee if the cost or other fee is substantially reduced from the market value.

(ii) Costs or other fees under subparagraph (i) of this paragraph may include charges for the rent of facilities or equipment.

(d) (1) The Office shall award grants to operational cannabis licensees that have qualifying partnerships with a social equity licensee.

(2) Grant amounts shall be based on the nature of the qualifying partnership between the social equity licensee and the operational cannabis licensee.

(3) If an operational cannabis licensee has a license that was converted by the Administration under § 36–401(b)(1)(ii) of this article, the total amount of grants issued by the Office under this section to the licensee may not exceed:

(i) the cost of the license conversion fee that was paid by the licensee; or

(ii) $250,000 per year per qualifying partnership.

(e) The Office may require a grant recipient that fails to fulfill the requirements of the grant to return all or part of the grant to the Grant Program.

(f) For fiscal year 2025 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation of $5,000,000 for the Grant Program, utilizing the Cannabis Regulation and Enforcement Fund established under § 36–206 of this article.

(g) The Office shall adopt regulations to:

(1) implement the provisions of this section;

(2) administer the Grant Program;

(3) establish eligibility and grant application requirements;

(4) establish a process for reviewing grant applications and awarding grants to operational cannabis licensees; and

(5) specify criteria and procedures to monitor eligibility for the grants authorized under this section.

§1–3A–01.

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

(b) "Executive Director" means the Executive Director of the Office of Social Equity.

(c) "Fund" means the Community Reinvestment and Repair Fund.

(d) "Office" means the Office of Social Equity.

§1–3A–02.

(a) The General Assembly finds that:

(1) the goal of regulation and taxation of cannabis in the State is to create a safe and regulated industry that benefits the public interest;

(2) the use of incarceration in enforcing prohibitions on the importation, manufacture, use, sale, and distribution of cannabis varied within the State by jurisdiction and racial classification;

(3) analysis of geographic and demographic characteristics revealed disparities in arrests, prosecution, and imprisonment for cannabis use, with a negative and disproportionate impact on some communities and neighborhoods within the State; and

(4) consequences of the disproportionate enforcement of cannabis–related offenses have contributed to the economic, public health, and social conditions of specific communities and have had significant and measurable effects on the social and financial resources available to the children, families, and local infrastructure of these communities.

(b) The General Assembly therefore finds that the public interest is served by:

(1) acknowledging and repairing the causes and consequences of disparities in arrests and imprisonment in prosecutions of cannabis–related offenses among specific populations and geographic regions;

(2) developing, among existing members of communities that have been disproportionately and negatively impacted, the capacity to ascertain and address the social and economic determinants that are fundamental to reducing the impact of longstanding inequities and improving economic, educational, and health outcomes; and

(3) being consistent with social equity principles and governance by allocating a significant portion of tax revenue from the adult–use cannabis market to the Community Reinvestment and Repair Fund for distribution to local jurisdictions to be administered by the local jurisdictions.

§1–3A–03.

(a) (1) There is a Community Reinvestment and Repair Fund.

(2) The purpose of the Fund is to provide funds to community–based organizations that serve communities determined by the Office, in consultation with the Office of the Attorney General, to have been the most impacted by disproportionate enforcement of the cannabis prohibition before July 1, 2022.

(3) The Comptroller shall administer the Fund.

(4) (i) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(ii) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(5) The Fund consists of:

(i) sales and use tax revenue distributed to the Fund under § 2–1302.2 of the Tax – General Article;

(ii) conversion fees paid by businesses under § 36–403 of this article; and

(iii) any other money from any other source accepted for the benefit of the Fund, in accordance with any conditions adopted by the Comptroller for the acceptance of donations or gifts to the Fund.

(6) (i) The Fund may be used only for:

1. funding community–based initiatives intended to benefit low–income communities, including:

A. behavioral health crisis response services;

B. education and after–school programs;

C. truancy and absenteeism intervention programs;

D. housing and homelessness prevention initiatives;

E. transportation improvements in high–density areas that have public transportation;

F. job training and workforce development programs;

G. community child care and recreational services; and

H. programs that benefit individuals and families impacted by incarceration;

2. funding community–based initiatives that serve disproportionately impacted areas, as defined in § 36–101 of this article; and

3. any related administrative expenses incurred by a local government in administering the funds that do not exceed 15% of the funds received in the fiscal year.

(ii) Money may not be expended from the Fund for law enforcement agencies or activities.

(iii) Money expended from the Fund is supplemental to and may not supplant funding that otherwise would be appropriated for preexisting local government programs.

(7) (i) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(ii) Any interest earnings of the Fund shall be credited to the General Fund of the State.

(8) No part of the Fund may revert or be credited to:

(i) the General Fund of the State; or

(ii) any other special fund of the State.

(9) The Comptroller shall pay out money from the Fund.

(10) The Fund is subject to audit by the Office of Legislative Audits as provided for in § 2–1220 of the State Government Article.

(b) (1) Based on the percentage allocable to each county determined by the Office, the Comptroller shall distribute funds from the Fund to each county in an amount that, for the period from July 1, 2002, to January 1, 2023, both inclusive, is proportionate to the total number of cannabis possession charges in the county compared to the total number of cannabis possession charges in the State.

(2) For any distribution of funds to a county under paragraph (1) of this subsection, the county shall hold the funds separately from other revenue and general funds.

(3) Subject to the limitations under subsection (a)(6) of this section, each county shall adopt a law establishing the purpose for which money received from the Fund may be used.

(c) (1) The Office shall require each county to develop a plan for the distribution of funds to community–based organizations for use in accordance with this section.

(2) The plan developed by a county shall be:

(i) established before distributing funds under this section;

(ii) developed in consultation with stakeholders; and

(iii) the subject of a public hearing before finalizing the plan.

(3) On or before October 1, 2025, the Office shall adopt regulations to carry out this section.

(d) On or before October 1, 2026, and each October 1 thereafter, each county shall submit a report to the Office on:

(1) the amount of funds received from the Fund under subsection (b)(1) of this section;

(2) the organizations that received funding from the county under this section;

(3) the methods used by the county to solicit, review, and select organizations that may be eligible for funding under this section; and

(4) administrative expenses related to the county's administration and distribution of the funds received under subsection (b)(1) of this section.

§1–401.

(a) Unless otherwise provided for in this article or the Tax – General Article, a person may not:

(1) sell alcoholic beverages;

(2) allow alcoholic beverages to be sold;

(3) accept or deliver alcoholic beverages; or

(4) for the purpose of sale, transport, buy, possess, or keep alcoholic beverages or allow alcoholic beverages to be transported, bought, possessed, or kept:

(i) in a vehicle, a water vessel, or an aircraft;

(ii) on any premises; or

(iii) under the person's charge or control.

(b) (1) Except as provided in paragraph (2) of this subsection, a person may not buy, possess, store, import, transport, or keep alcoholic beverages or allow alcoholic beverages to be bought, possessed, stored, imported, transported, or kept:

(i) in a vehicle, a water vessel, or an aircraft;

(ii) on any premises; or

(iii) under the person's charge or control.

(2) A person may perform an activity listed in paragraph (1) of this subsection if the person is:

(i) a consumer;

(ii) subject to the requirements under this article, a license holder; or

(iii) an individual under the age of 21 years who possesses or is transporting alcoholic beverages for a lawful purpose:

1. with the knowledge and consent of the individual's parent or guardian; or

2. incident to the lawful employment of the individual under this article.

(c) Except as provided in § 1–411 of this subtitle, an individual under the age of 21 years may not:

(1) buy, consume, possess, store, import, transport, or keep alcoholic beverages for the individual's own use; or

(2) buy, possess, store, import, transport, or keep alcoholic beverages for any purpose in a jurisdiction where prohibited under State law.

§1–402.

(a) A license or permit is not required for:

(1) a county official who sells certain seized alcoholic beverages, as set out in Title 6, Subtitle 1 of this article;

(2) a sheriff, a receiver, an auctioneer, a trustee, an attorney, an executor, or an administrator who sells alcoholic beverages under a court order; or

(3) a common carrier, warehouseman, or other lienholder who sells alcoholic beverages under a lien.

(b) Sales authorized by subsection (a) of this section may be made only to a license holder.

(c) If the purchaser in a sale described in subsection (a) of this section is a retail dealer, the seller shall pay the taxes imposed by § 5–102 of the Tax – General Article before delivery.

§1–403.

(a) (1) Unless otherwise provided for in this article, a person may not manufacture, blend, rectify, bottle, or allow to be manufactured, blended, rectified, or bottled any alcoholic beverages except on premises licensed under this article.

(2) A person may not buy, bargain, sell, borrow, loan, manufacture, possess, transport, or allow to be bought, bargained, sold, loaned, manufactured, possessed, or transported any personal property designed, used, or intended for use directly or immediately in connection with the unlawful manufacture of alcoholic beverages.

(b) In addition to any other fine or penalty under this article, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

§1–404.

Before a license or alcoholic beverages permit may be issued to an employer to engage in an activity in which the employer may employ a covered employee, as defined in § 9–101 of the Labor and Employment Article, the employer shall file with the Executive Director or local licensing board:

(1) a certificate of compliance with the Maryland Workers' Compensation Act; or

(2) the number of a workers' compensation insurance policy or binder.

§1–405.

(a) A license may not be issued for a premises unless the premises conforms to all requirements set out in this article or the Tax – General Article.

(b) A license or an alcoholic beverages permit may not be issued for a premises unless the premises conforms with all zoning laws, regulations, or ordinances passed in accordance with Division I of the Land Use Article.

§1–406.

(a) Warehouse receipts covering alcoholic beverages stored in public warehouses in the State, including government controlled warehouses, may be purchased or sold without a license or permit.

(b) Alcoholic beverages covered under subsection (a) of this section may be withdrawn or delivered in the State only to a licensed manufacturer or licensed wholesaler.

(c) The Executive Director may adopt regulations covering warehouse receipt transactions.

§1–407.

(a) (1) This article and the Tax – General Article do not prohibit a manufacturer or wholesaler from selling and delivering to a federally authorized purchaser:

(i) subject to paragraph (2) of this subsection, wine and liquor without payment of taxes, if the wine and liquor are used only on the federal reservation in the State where the purchaser is assigned; and

(ii) beer.

(2) The Comptroller may require that each order of wine or liquor be approved before purchase or delivery.

(b) A tax on beer that is paid when the beer is purchased shall be refunded if:

(1) a proper application is filed with the Comptroller within 90 days after the purchase; and

(2) the Comptroller approves.

§1–408.

(a) A person who manufactures, rectifies, blends, imports, distributes, transports, stores, warehouses, sells, or offers for sale alcoholic beverages or who holds a license to do those activities shall:

(1) keep complete and accurate records of all alcoholic beverages purchased, sold, manufactured, rectified, blended, improved, brewed, fermented, distilled, produced, stored, warehoused, withdrawn from storage, imported, or transferred;

(2) on written request of the Comptroller, report on the form that the Comptroller requires information relating to the alcoholic beverages that are the subject of the records required to be kept; and

(3) on request of the Comptroller, make the report under oath.

(b) (1) Except as provided in paragraph (2) of this subsection, each license holder shall keep records at the location designated in the license.

(2) If the license holder is allowed to have more than one location, the license holder may keep the records at the principal location.

(3) The records shall:

(i) meet form and content requirements of the Comptroller;

(ii) be preserved for at least 2 years in a manner that ensures permanency; and

(iii) be made available for audit or inspection during regular business hours by the Comptroller or an authorized employee of the Comptroller.

(c) (1) The Comptroller may without a hearing immediately suspend for a maximum of 30 days the license of a license holder who fails to comply with this section.

(2) A license suspended under this section is subject to an additional period of suspension or revocation after a hearing.

§1–409.

(a) A local licensing board shall:

(1) maintain a record of:

(i) each license that the local licensing board issues; and

(ii) any revocation, suspension, or cancellation of a license and any restriction imposed on a license with a brief explanation of the reason for the action; and

(2) submit the record to the Executive Director; and

(3) allow any individual to inspect the records at the office of the local licensing board during regular business hours.

(b) The records of licenses required under subsection (a) of this section and any indices or dockets created to maintain the records:

(1) shall be retained for the later to occur of:

(i) 3 years after the date of the last record entry; or

(ii) the date on which all audit requirements have been complied with; and

(2) may be destroyed after:

(i) the retention period in item (1) of this subsection has expired; and

(ii) Title 10, Subtitle 6, Part III of the State Government Article has been complied with.

§1–410.

(a) (1) On written request of the Executive Director, each person, including a common carrier, that transports alcoholic beverages in the State in interstate or intrastate commerce shall report all consignments or deliveries of alcoholic beverages for the period that the Executive Director specifies.

(2) The reports shall be under oath and on the form that the Executive Director requires.

(b) If required by the Executive Director, the reports shall state:

(1) the name and address of the person to whom the delivery has been made;

(2) the name and address of the original consignee, if alcoholic beverages have been delivered to any person other than the originally named consignee;

(3) the point of origin;

(4) the point of delivery;

(5) the date of delivery;

(6) (i) the number and initials of each car, if the alcoholic beverages are shipped by rail;

(ii) the name of the water vessel, if the alcoholic beverages are shipped by water;

(iii) the license number of each truck, if the alcoholic beverages are shipped by truck; or

(iv) the manner in which the delivery was made, if the delivery is by other means;

(7) each kind of alcoholic beverages contained in the shipment and the number of gallons of each kind; and

(8) any other information relative to shipments that the Executive Director requires.

(c) This section does not authorize:

(1) the consignment of alcoholic beverages from outside the State to a person within the State other than:

(i) the holder of a permit, manufacturer's license, or wholesaler's license; or

(ii) a consumer under Title 2, Subtitle 1, Part V of this article; or

(2) the consignment of alcoholic beverages from within the State to a person outside the State not authorized to receive the consignment under the law governing the point of destination.

§1–411.

(a) (1) In this section the following words have the meanings indicated.

(2) "Authorized instructor" means an instructor at a qualified institution of higher education who:

(i) teaches a course or program in enology, fermenting, brewing, or hospitality and tourism; and

(ii) is at least 21 years old.

(3) "Qualified institution of higher education" means an institution of postsecondary education that:

(i) generally limits enrollment to graduates of secondary schools;

(ii) awards degrees at the associate, baccalaureate, or graduate level; and

(iii) offers courses or programs in enology, fermenting, brewing, or hospitality and tourism.

(4) "Qualified student" means a student who is:

(i) at least 18 years old and under the age of 21 years; and

(ii) enrolled in a course or program in enology, fermenting, brewing, or hospitality and tourism offered by a qualified institution of higher education.

(5) (i) "Taste" means to draw an alcoholic beverage into the mouth.

(ii) "Taste" does not include swallowing or otherwise consuming an alcoholic beverage.

(b) A qualified student may taste an alcoholic beverage if:

(1) the qualified student:

(i) tastes the alcoholic beverage:

1. for educational purposes as part of a course or program in enology, fermenting, brewing, or hospitality and tourism that the qualified student is enrolled in at a qualified institution of higher education; and

2. only during the dates and times of the enology, fermenting, brewing, or hospitality and tourism course or program; and

(ii) spits the alcoholic beverage out after tasting the alcoholic beverage;

(2) an authorized instructor offers the alcoholic beverage only during the dates and times of the enology, fermenting, brewing, or hospitality and tourism course or program; and

(3) the alcoholic beverage remains under the control of an authorized instructor.

(c) A qualified institution of higher education is not required to obtain a permit or license issued under this article to allow a qualified student to taste an alcoholic beverage in accordance with this section if the qualified institution does not impose an extra fee or charge for the alcoholic beverage tasted by a qualified student.

§2–101.

This part applies statewide and to each permit issued under this subtitle.

§2–102.

(a) A person shall apply to the Executive Director for a permit under this subtitle on the form the Executive Director provides.

(b) The Executive Director shall adopt regulations for permits under this subtitle regarding:

(1) the procedure for issuing permits;

(2) the purchase of alcoholic beverages; and

(3) the exercise of the privileges granted under each type of permit.

§2–103.

(a) On receipt of an application, the Executive Director shall order an investigation of:

(1) the applicant;

(2) the business to be operated; and

(3) the statements presented in the permit application.

(b) On completion of the investigation, the Executive Director shall deny the permit application if in the judgment of the Executive Director:

(1) the applicant:

(i) is not fit to receive the permit;

(ii) made a material false statement in the application; or

(iii) committed fraud in connection with the application; or

(2) there are other reasons that the permit should not be issued.

(c) If the Executive Director does not find cause to deny the permit, the Executive Director shall approve the application and issue the permit.

§2–104.

A permit holder may not accept or deliver alcoholic beverages except as provided in this article and the Tax – General Article.

§2–105.

Except as otherwise provided in this subtitle, a permit issued under this subtitle is an annual permit that expires on October 31 following the date of its issue.

§2–106.

The Executive Director may restrict, suspend, or revoke a permit issued under this subtitle.

§2–107.

A license or permit is not required for the manufacture of family wine, beer, or cider that is:

(1) exclusively for home consumption, competition, or use in a licensed national family wine exhibition; and

(2) not for sale.

§2–110.

This part applies statewide.

§2–111.

(a) There is a bulk transfer permit.

(b) The Executive Director may issue the permit to a person:

(1) whose alcoholic beverage license has expired or otherwise been discontinued; and

(2) who applies for a permit within 60 days after the last day on which the license was effective.

(c) (1) The permit authorizes the holder, with or without consideration, to transfer to a license holder the alcoholic beverages stock on hand on the day of the transfer by sale, gift, inheritance, assignment, or otherwise.

(2) The transfer of the alcoholic beverages stock to the license holder shall be completed in the period covered by the permit.

(d) (1) The permit:

(i) covers only a specific transaction; and

(ii) expires 10 days after it is issued.

(2) If the permit holder shows an undue burden, the Executive Director may grant a reasonable extension of the permit.

(e) The permit fee is $200.

§2–112.

(a) There is a change of domicile permit.

(b) Subject to subsection (c) of this section, the permit authorizes the holder, when changing domicile to the State, to transport into the State the permit holder's private stock of alcoholic beverages for personal consumption.

(c) The permit holder may not transport into the State the permit holder's private stock of alcoholic beverages for personal consumption unless the taxes imposed under § 5–102 of the Tax – General Article have been paid.

(d) The permit fee:

(1) is $5; and

(2) covers only a specific transaction.

§2–113.

(a) There is an individual storage permit.

(b) The permit authorizes the holder to establish a warehouse to store alcoholic beverages in which title to the alcoholic beverages is vested in the permit holder.

(c) In Anne Arundel County and Baltimore County, a retailer is required to have written approval from the Board of License Commissioners before applying to the Executive Director for the permit.

(d) The permit fee is $50.

§2–114.

(a) There is an individual transportation permit.

(b) The permit authorizes the holder to transport the permit holder's private stock of alcoholic beverages from or en route through the State without payment of excise taxes imposed under § 5–102 of the Tax – General Article if the alcoholic beverages are not for use or delivery in the State.

(c) (1) The Executive Director shall provide a means of identification for each vehicle authorized under the permit.

(2) The identification shall be kept in or on the vehicle at all times when the vehicle transports alcoholic beverages.

(d) (1) The permit fee is $10.

(2) The fee for the vehicle identification required under subsection (c) of this section is $10 for each vehicle.

§2–115.

(a) There is a nonresident storage permit.

(b) The Executive Director may issue the permit to a nonresident dealer permit holder.

(c) The permit authorizes the holder to store alcoholic beverages in a licensed public storage warehouse in the State for subsequent shipment to:

(1) a holder of a wholesaler's license;

(2) a holder of a manufacturer's license; or

(3) a person outside the State.

(d) The permit holder may not ship alcoholic beverages unless:

(1) the invoice for the shipment originates from the out–of–state permit address of the permit holder; and

(2) the holder:

(i) ships the alcoholic beverages from the public storage warehouse in the State to the purchaser; and

(ii) concurrently transmits the invoice to the purchaser.

(e) (1) Each month the permit holder shall file a report of its storage and shipping activities with the Executive Director.

(2) The report shall be filed in the manner and on the form that the Executive Director provides.

(f) The permit fee is $500.

§2–116.

(a) There is a private bulk sales permit.

(b) The Executive Director may issue the permit to an individual who:

(1) is at least 21 years old;

(2) is a resident of the State;

(3) files with the Executive Director an inventory of all alcoholic beverages to be sold; and

(4) certifies that all alcoholic beverages to be sold:

(i) have been acquired legally and transported into the State in accordance with this article; and

(ii) are owned by the individual at the time of application.

(c) The permit authorizes the holder to sell the permit holder's private stock of alcoholic beverages to a person in accordance with this section.

(d) A sale under the permit may:

(1) be made by:

(i) the permit holder; or

(ii) an unlicensed agent or auction company acting on behalf of the permit holder;

(2) take place on:

(i) a premises not licensed under this article; or

(ii) a private room of an on–sale retail license holder; and

(3) be made to:

(i) a State resident who is at least 21 years old;

(ii) a retail dealer who holds the proper class of license; or

(iii) a person outside the State, if the person may ship alcoholic beverages purchased under the permit to the person's home state or state of ultimate destination.

(e) (1) A permit expires 60 days after it is issued.

(2) A person may not be issued more than two permits in a calendar year.

(f) The permit fee:

(1) is $25; and

(2) covers the sale of a specific inventory of alcoholic beverages.

(g) The Executive Director may adopt regulations regarding any activity relating to the permit, including record–keeping and reporting requirements.

§2–117.

(a) There is a public storage permit.

(b) The permit authorizes the holder to operate a warehouse to store alcoholic beverages for the accounts of other persons.

(c) The permit fee is $75.

§2–118.

(a) There is a public storage and transportation permit.

(b) (1) The permit authorizes the holder to operate a warehouse to:

(i) store alcoholic beverages for the accounts of other persons; and

(ii) transport alcoholic beverages for the accounts of other persons into, in, or out of the State.

(2) The permit holder may use the permit for storage or transportation.

(c) (1) The Executive Director shall provide a means of identification for each vehicle authorized under the permit.

(2) The identification shall be kept in or on the vehicle at all times when the vehicle transports alcoholic beverages.

(d) (1) The permit fee is $200.

(2) The fee for the vehicle identification required under subsection (c) of this section is $10 for each vehicle.

(e) A license holder or permit holder is not required to have the permit to deliver alcoholic beverages that the license holder or permit holder may otherwise acquire, store, sell, or use.

§2–119.

(a) There is a public transportation permit.

(b) The permit authorizes the holder to operate a warehouse to transport alcoholic beverages for the accounts of other persons into, in, or out of the State.

(c) (1) The Executive Director shall provide a means of identification for each vehicle authorized under the permit.

(2) The identification shall be kept in or on the vehicle at all times when the vehicle transports alcoholic beverages.

(d) (1) The permit fee is $75.

(2) The fee for the vehicle identification required under subsection (c) of this section is $10 for each vehicle.

(e) A license holder or permit holder is not required to have the permit to deliver alcoholic beverages that the license holder or permit holder may otherwise acquire, store, sell, or use.

§2–122.

This part applies statewide.

§2–123.

(a) There is an import–export permit.

(b) (1) The permit authorizes the holder to import alcoholic beverages into the State for storage in public warehouses for subsequent shipment outside the State.

(2) The permit holder may not import alcoholic beverages into the State for sale, consignment, or delivery to a person in the State.

(c) A person is not required to have the permit if the alcoholic beverages are:

(1) not for sale, consignment, or delivery to a person in the State;

(2) stored in a warehouse subject to a public bond; and

(3) subject to a customs bond.

(d) The permit fee is $75.

§2–124.

(a) There is a nonresident dealer's permit.

(b) The Executive Director may issue the permit to:

(1) a bottler, brewer, distiller, manufacturer, rectifier, vintner, or winery;

(2) a sales agent of a person described in item (1) of this subsection, on presentation of proof of the sales agency relationship to the Executive Director;

(3) an importer of beer, wine, or distilled spirits produced outside the United States that purchases directly from the brand owner or from a sales agent of a person described in item (1) of this subsection that:

(i) is authorized by the brand owner to sell in the State; and

(ii) provides proof of the sales agency relationship to the Executive Director; or

(4) an American sales agent of an importer described in item (3) of this subsection, on presentation of proof of the sales agency relationship to the Executive Director.

(c) The Executive Director may not issue the permit to a person that:

(1) is a holder of a wholesaler's license or retail license;

(2) has an interest in a wholesaler licensed under this article; or

(3) has an interest in any retail license holder.

(d) The permit authorizes the holder to sell beer, wine, or distilled spirits to license holders authorized to receive the beverages.

(e) The permit holder may sell, consign, or deliver from a location outside the State to a person in the State that is authorized to receive them those beers, wines, or distilled spirits that the permit holder:

(1) bottles, distills, imports, manufactures, produces, or rectifies from outside the United States; or

(2) represents as the designated sales agent.

(f) A person who is a bottler, a brewer, a distiller, an importer, a manufacturer, a rectifier, a vintner, or a winery or the designated agent of the person may not discriminate directly or indirectly in price between license holders.

(g) Notwithstanding any other provision of this subtitle, the permit holder may continue to sell, consign, or deliver a brand of beer in the State from outside the State:

(1) to a person in the State who may receive the beer under this article; and

(2) until the person who is the brewer or importer of that brand of beer or the person's designated sales agent preempts the sales territory by appointing a franchise license holder in accordance with the Beer Franchise Fair Dealing Act under Title 5, Subtitle 1 of this article.

(h) Notwithstanding any other provision of this subtitle, a permit is not required to make direct sales and shipments to a wholesaler in the State from a location outside the continental limits and possessions of the United States.

(i) The permit fee is $200.

§2–125.

(a) There is a resident dealer's permit.

(b) (1) Subject to paragraph (2) of this subsection, the Executive Director may issue the permit to:

(i) an importer of beer, wine, or distilled spirits produced outside the United States that:

1. purchases directly from the brand owner or from a sales agent of a bottler, brewer, distiller, manufacturer, rectifier, vintner, or winery;

2. is authorized by the brand owner to sell in the State; and

3. provides proof of the sales agency relationship to the Executive Director; or

(ii) an American sales agent of an importer under item (i) of this paragraph, on presentation of proof of the sales agency relationship to the Executive Director.

(2) An individual applicant, an applicant qualifying as a resident applicant for a corporation, or each applicant for a partnership is not eligible for the permit unless the individual is a resident of the State at the time the application is filed and remains a resident for the duration of time the permit is in effect.

(c) The Executive Director may not issue the permit to a person that:

(1) is a holder of a wholesaler's license or retail license;

(2) has an interest in a wholesaler licensed under this article; or

(3) has an interest in any retail license holder.

(d) The permit authorizes the holder to sell alcoholic beverages to:

(1) a holder of a wholesaler's license; or

(2) a person outside the State that the Executive Director authorizes to acquire the alcoholic beverages.

(e) The permit holder may not own or operate a warehouse in the State.

(f) The permit fee is $200.

§2–126.

(a) There is a solicitor's permit.

(b) The permit holder may be a resident or a nonresident of the State.

(c) The permit authorizes the holder to promote, sell, or offer for sale beer, wine, or distilled spirits to holders of manufacturer's, wholesaler's, or retail licenses.

(d) (1) The permit holder:

(i) may not contact consumers; and

(ii) subject to paragraph (2) of this subsection, may not sell, promote, or offer for sale alcoholic beverages to retail dealers, if employed by a resident dealer or a nonresident dealer.

(2) The prohibition under paragraph (1)(ii) of this subsection does not apply if the account is for a State wholesaler or manufacturer that is a distributor for the products of the employer of the permit holder.

(e) The permit fee is $50.

§2–129.

This part applies statewide.

§2–130.

(a) There is a manufacturer off–site permit.

(b) The Executive Director may issue the permit to a holder of any of the following licenses who meets the requirements of this section:

(1) Class 1 distillery license;

(2) Class 3 winery license;

(3) Class 4 limited winery license;

(4) Class 5 brewery license;

(5) Class 7 micro–brewery license;

(6) Class 8 farm brewery license; or

(7) Class 9 limited distillery license.

(c) (1) During an event listed in subsection (e) of this section, the permit holder may:

(i) provide samples and sell products to a consumer that are manufactured by the permit holder under the permit holder's license;

(ii) provide to a consumer a sample that may not exceed:

1. 1 fluid ounce for each offering of wine;

2. 1 fluid ounce for each offering of beer; or

3. 0.25 fluid ounce for each offering of liquor;

(iii) sell to a consumer for on–premises consumption; and

(iv) subject to paragraph (2) of this subsection, sell to a consumer for off–premises consumption.

(2) The holder of a Class 5 brewery license, a Class 7 micro–brewery license, or a Class 8 farm brewery license may sell to each consumer at an approved off–site permitted event under the permit up to 288 ounces of beer for off–premises consumption.

(d) The permit holder shall have present at least one individual who is certified by an approved alcohol awareness program while providing samples or selling an alcoholic beverage during an event.

(e) The permit may be used:

(1) at the following events:

(i) a county agricultural fair;

(ii) the Maryland State Agricultural Fair;

(iii) a farmer's market that is listed on the Farmer's Market Directory of the Maryland Department of Agriculture; and

(iv) a nonprofit beer, wine, and liquor festival under § 2–131 of this subtitle; and

(2) for not more than 32 additional events in 1 year that have an activity:

(i) that has a primary purpose other than the sale and promotion of alcoholic beverages; or

(ii) for which the participation of the permit holder is secondary.

(f) The permit may not be used for more than nine events in 1 year at any individual location.

(g) An applicant for a permit shall complete an application on a form that the Executive Director authorizes.

(h) The permit holder shall notify the Executive Director of the permit holder's intention to attend an event within a period of time that the Executive Director determines on the form that the Executive Director authorizes.

(i) The Executive Director may adopt regulations to require the permit holder to notify the local licensing board of the jurisdiction where the event is being held of the permit holder's intention to attend the event.

(j) The annual permit fee is $100.

§2–131.

(a) In this section, "off–site permit" includes:

(1) a manufacturer off–site permit; and

(2) a retail off–site permit.

(b) There is a nonprofit beer, wine, and liquor festival permit.

(c) The Executive Director may issue the permit to a nonprofit organization, as defined by § 501(c) of the Internal Revenue Code, that meets the requirements of this section.

(d) (1) The permit authorizes the permit holder to:

(i) conduct a nonprofit beer, wine, and liquor festival for at least 1 day and not more than 3 consecutive days;

(ii) purchase beer, wine, and liquor at wholesale to:

1. provide to a consumer a sample that may not exceed:

A. for beer, 4 fluid ounces for each offering;

B. for wine, 1 fluid ounce for each offering; and

C. for liquor, four samples of one–quarter of 1 fluid ounce for each offering; and

2. sell to a consumer beer, wine, and liquor for on– and off–premises consumption; and

(iii) contract with a holder of a retail off–site permit to operate a sampling and sales area.

(2) The permit holder shall provide space at a nonprofit beer, wine, and liquor festival for holders of off–site permits.

(3) A holder of an off–site permit that attends a nonprofit beer, wine, and liquor festival may provide beer, wine, and liquor to a consumer in the same manner as the holder of the nonprofit beer, wine, and liquor festival permit.

(4) The permit holder may provide or sell at the nonprofit beer, wine, and liquor festival only alcoholic beverages provided by the permit holder or a holder of an off–site permit that is in attendance.

(e) At all times during the nonprofit beer, wine, and liquor festival, the permit holder shall have present at least two agents, one of whom may be the permit holder, who are certified by an approved alcohol awareness program.

(f) (1) Not less than 30 days before the nonprofit beer, wine, and liquor festival, a person shall submit an application to the Executive Director.

(2) The application shall:

(i) be on a form that the Executive Director provides;

(ii) state that the primary purpose of the nonprofit beer, wine, and liquor festival is to promote Maryland beer, wine, and liquor;

(iii) provide details of the nonprofit beer, wine, and liquor festival, including the location, dates, and times of operation; and

(iv) include appropriate evidence that the applicant has been given permission by the owner of the property where the nonprofit beer, wine, and liquor festival is to be held.

(g) Not less than 15 days before the nonprofit beer, wine, and liquor festival, the permit holder shall provide the Executive Director with a list of off–site permit holders that will attend.

(h) The permit fee is:

(1) $100, to promote a single product category;

(2) $150, to promote two product categories; and

(3) $200, to promote three product categories.

§2–132.

(a) There is a nonresident brewery permit.

(b) The Executive Director may issue the permit to a person that:

(1) is licensed outside the State to engage in the manufacture of beer;

(2) produces in the aggregate from all of its locations not more than 22,500 barrels of beer annually; and

(3) does not hold a nonresident dealer's permit.

(c) (1) The permit authorizes the permit holder to sell and deliver not more than 3,000 barrels of the permit holder's own beer annually from a location outside the State to a retail license holder or permit holder in the State authorized to acquire the beer.

(2) The permit holder shall comply with all the requirements of this article, the Tax – General Article, and the regulations of the Comptroller or Executive Director that apply to a holder of a Class 7 limited beer wholesaler's license.

(d) The annual permit fee is $50.

§2–132.1.

(a) There is a nonresident distillery permit.

(b) The Executive Director may issue the permit to a person that:

(1) is licensed outside the State to engage in the manufacture of liquor;

(2) produces in the aggregate from all of its locations not more than 100,000 gallons of liquor annually; and

(3) does not hold a nonresident dealer's permit.

(c) (1) The permit authorizes the permit holder to sell and deliver the permit holder's own liquor from a location outside the State to a retail license holder or permit holder in the State authorized to acquire the liquor.

(2) The permit holder shall comply with all the requirements of this article, the Tax – General Article, and the regulations of the Comptroller or Executive Director that apply to a holder of a Class 8 limited liquor wholesaler's license.

(d) The annual permit fee is $100.

§2–135.

(a) There is a nonresident winery permit.

(b) The Executive Director may issue the permit to a person that:

(1) is licensed outside the State to engage in the manufacture of wine;

(2) produces not more than 27,500 gallons of its own wine annually; and

(3) does not hold a nonresident dealer's permit under § 2–124 of this subtitle.

(c) The permit authorizes the holder to sell and deliver its own wine from a location outside the State to a holder of a permit or retail license in the State authorized to acquire the wine.

(d) The permit holder shall comply with requirements that apply to a holder of a Class 6 limited wine wholesaler's license under:

(1) this article;

(2) the Tax – General Article; and

(3) the regulations of the Comptroller or the Executive Director.

(e) The permit fee is $50.

§2–136.

(a) There is a retail off–site permit.

(b) (1) The Executive Director may issue the permit to a holder of a license issued by a local licensing board:

(i) that allows the license holder to sell alcoholic beverages to the public for off–premises consumption; and

(ii) other than a chain store.

(2) The holder of a permit shall notify the local licensing board of the jurisdiction in which the off–site event will be held that the permit has been issued.

(c) (1) A permit may be used only:

(i) at not more than three farmers' markets in the jurisdiction in which the local license has been issued, that are listed in the farmers' market directory of the Maryland Department of Agriculture;

(ii) on invitation by a holder of a nonprofit beer, wine, and liquor festival permit, at the location of the permit, if the festival is located in the jurisdiction in which the local license has been issued or in an adjoining jurisdiction; and

(iii) during the hours of operation of the farmers' market or the nonprofit beer, wine, and liquor festival.

(2) A permit authorizes the holder to:

(i) at a farmers' market, offer and sell beer, wine, and liquor produced by State–licensed manufacturers to consumers for consumption off the licensed premises;

(ii) at a nonprofit beer, wine, and liquor festival, offer and sell beer, wine, and liquor to consumers for consumption on and off the licensed premises; and

(iii) provide at no charge samples of:

1. beer, not to exceed 4 fluid ounces;

2. wine, not to exceed 1 fluid ounce; and

3. liquor, not to exceed four samples that do not exceed one–quarter of 1 fluid ounce.

(d) The fee is $100.

§2–137.

(a) (1) In this section, "charitable organization" means an organization that:

(i) is a benevolent, educational, philanthropic, humane, patriotic, religious, or eleemosynary organization that solicits or obtains contributions solicited from the public for charitable or benevolent purposes; and

(ii) is registered with the Secretary of State in accordance with Title 6, Subtitle 4 of the Business Regulation Article.

(2) "Charitable organization" includes an office, a branch, a chapter, or a similar affiliated entity that has its principal place of business outside the State.

(3) "Charitable organization" does not include:

(i) a political party, political committee, or political club;

(ii) a unit of the State government or a political subdivision of the State;

(iii) a fraternal organization;

(iv) a fire company;

(v) a rescue or ambulance squad; or

(vi) a police force or other law enforcement organization.

(b) There is a charity wine auction permit.

(c) The Executive Director may issue the permit to a charitable organization.

(d) The permit authorizes the holder to sell wine at public or private auction to a consumer through the solicitation and acceptance of bids.

(e) The permit is valid for 1 day.

(f) The permit may be granted for:

(1) an unlicensed premises; or

(2) a Class B, Class C, or Class B–D–7 licensed premises.

(g) (1) A charitable organization may be issued not more than one permit during a calendar year.

(2) A permit allows the holder to conduct one auction of wine during a calendar year.

(h) (1) Subject to paragraph (2) of this subsection, the permit holder may receive wine for the auction from:

(i) a holder of a wholesaler's license;

(ii) a Class 3 or Class 4 winery;

(iii) a retail dealer;

(iv) an individual residing in the State; or

(v) a business entity in the State that is not licensed under this article.

(2) The permit holder may receive commercially produced wine that is not authorized for distribution and sale in the State from:

(i) a nonresident individual; or

(ii) a business entity that is located outside the State.

(i) (1) Wine that the permit holder receives from the following sources is subject to State tax under § 5–102 of the Tax – General Article:

(i) a holder of a wholesaler's license;

(ii) a Class 3 winery;

(iii) a Class 4 winery; and

(iv) any source outside the State.

(2) Taxes are presumed to have been paid on wine that the permit holder receives from the following sources:

(i) a retail dealer;

(ii) an individual residing in the State; and

(iii) a business entity in the State that is not licensed under this article.

(j) (1) Within 30 days after the auction ends, the permit holder shall:

(i) file a report with the Comptroller; and

(ii) pay all taxes due on wine received for the auction.

(2) The report shall:

(i) include the total number of gallons and each source of wine that was received for the auction; and

(ii) be filed on the form that the Comptroller provides.

(k) The Comptroller may require that the permit holder prepay on or before the seventh day before the auction an amount sufficient to cover the anticipated wine tax due.

(l) (1) Wine purchased at a charity wine auction shall be delivered to the purchaser:

(i) at the event; or

(ii) from a licensed warehouse, licensed retail dealer's premises, or other premises that the Executive Director approves.

(2) Wine delivered under this subsection is subject to applicable sales taxes.

(m) Notwithstanding any other provision of this article, a person authorized to sell wine at retail may purchase wine offered at a charity wine auction in an amount not to exceed 5 gallons (18 liters) and resell the wine in accordance with the terms of the person's license.

(n) The permit fee is $10.

§2–138.

(a) There is a family beer and wine facility permit.

(b) (1) The permit authorizes the holder to establish a facility to produce family beer or wine by a consumer who:

(i) is of legal drinking age; but

(ii) does not have a license.

(2) The permit authorizes the holder to provide equipment, raw materials, and instructions to a consumer.

(3) Except as provided in paragraph (4) of this subsection, the permit holder may not engage in the production or manufacture of beer or wine.

(4) A permit authorizes the holder to engage in the production or manufacture of beer or wine for:

(i) testing equipment or recipes; and

(ii) sampling, provided that:

1. each patron has no more than five samples;

2. each sample does not exceed 2 ounces; and

3. each sample is consumed on the premises by an individual who has a nonrefundable contract to brew or ferment at the facility.

(c) Family beer and wine produced at a family beer and wine facility:

(1) shall be removed from the premises by the consumer; and

(2) may be used only for home consumption and the personal use of the consumer.

(d) The Executive Director may restrict the permit holder to the production of family–produced beer or family–produced wine.

(e) The permit fee is $400.

(f) The Executive Director may adopt regulations regarding any activity relating to the operation of the facility, including limits on the quantities of beer and wine produced and record keeping.

§2–139.

(a) There is a national beer, wine, and liquor exhibition permit.

(b) The Executive Director may issue the permit to a bona fide alcohol trade association.

(c) (1) The permit authorizes the holder to conduct an alcohol exhibition and competition at which the permit holder may exhibit, judge, and taste beer, wine, and liquor acquired in accordance with this section at the place designated in the permit application.

(2) The permit authorizes the holder to receive for use, exhibition, and tastings at an exhibition:

(i) tax–free family produced beer and wine;

(ii) tax–paid commercially produced beer, wine, and liquor from licensed nonresident dealers or manufacturers through holders of wholesaler's licenses; and

(iii) commercially produced beer, wine, and liquor from manufacturers or suppliers licensed by another state and subject to the tax imposed under § 5–102 of the Tax – General Article.

(3) The permit holder may not sell beer, wine, and liquor at the exhibition and competition.

(4) Notwithstanding § 6–319 of this article, the permit holder may allow a person to possess and consume beer, wine, and liquor on the premises governed by the permit as provided in this section.

(d) An exhibition may not last more than 5 days.

(e) The permit may be granted for:

(1) an unlicensed premises; or

(2) a licensed premises.

(f) Persons authorized to judge or participate at an alcohol exhibition include a:

(1) manufacturer;

(2) nonresident dealer;

(3) supplier;

(4) wholesaler; and

(5) representative of any of the persons listed in items (1) through (4) of this subsection.

(g) A supplier licensed by another state is not required to have a nonresident dealer's permit to ship beer, wine, and liquor to the permit holder.

(h) (1) Within 30 days after the exhibition ends, the permit holder shall:

(i) file a report, on the forms that the Comptroller provides, of the number of gallons of commercially produced beer, wine, and liquor that the permit holder received from suppliers that are not licensed; and

(ii) pay the tax required under § 5–102 of the Tax – General Article.

(2) The Comptroller may require the permit holder to prepay an amount sufficient to cover the anticipated tax rather than post a bond.

(i) The permit fee is $50.

§2–140.

(a) The Executive Director may issue a brewery special event permit to a holder of a Class 5 brewery license or a Class 8 farm brewery license.

(b) At least 15 days before holding a special event, the license holder shall obtain a permit from the Executive Director by filing a notice of the special event on the form that the Executive Director provides.

(c) The permit authorizes the license holder to conduct at the location listed on the license a special event at which the license holder may:

(1) provide samples of not more than 6 fluid ounces per brand to consumers;

(2) sell products manufactured by the license holder and other Maryland breweries to persons who participate in the event; and

(3) in a segregated area approved by the Executive Director at the location listed on the license, store the products of other Maryland breweries.

(d) The products at the event shall be sold in the manner authorized under the permit.

(e) The license holder may not be issued more than 12 permits in a calendar year.

(f) A single special event may not exceed 3 consecutive days.

(g) The permit fee is $25 per event.

§2–142.

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

(b) (1) "Common carrier" means a business entity that:

(i) holds itself out as being available to the public to transport in interstate or foreign commerce for compensation any class of passenger or property; and

(ii) holds a common carrier permit issued under § 2–151 of this subtitle.

(2) "Common carrier" does not include a business entity that transports only property the business entity owns or that is consigned to the business entity.

(c) "Direct wine deliverer" means the holder of a direct wine delivery permit issued under this part.

(d) "Direct wine shipper" means the holder of a direct wine shipper's permit issued under this part.

§2–143.

(a) A person shall be issued a direct wine shipper's permit by the Executive Director before the person may engage in shipping wine directly to a consumer in the State.

(b) Before a licensed manufacturer may engage in delivering wine directly to a consumer in the State, the manufacturer shall be issued a direct wine delivery permit.

§2–144.

(a) To qualify for a direct wine shipper's permit, an applicant shall be:

(1) a person licensed outside the State to engage in the manufacture of wine; or

(2) a holder of a Class 3 manufacturer's license or a Class 4 manufacturer's license.

(b) (1) To qualify for a direct wine delivery permit, an applicant shall be:

(i) a person licensed in the State to engage in the manufacture of wine; and

(ii) a holder of a Class 6 limited wine wholesaler's license.

(2) The holder of a direct wine delivery permit issued under this subsection may sell and deliver the permit holder's own product to an individual in the State if:

(i) the delivery is made by an employee who is:

1. at least 18 years old; and

2. certified by an approved alcohol awareness program;

(ii) the purchaser, or another individual at least 21 years old designated by the purchaser, is physically present to receive the wine at the time and place of delivery;

(iii) the purchaser pays for the purchase at the time of order; and

(iv) the direct wine deliverer and the individual receiving the delivery each endorse a delivery form that the Executive Director approves certifying that the direct wine deliverer examined the recipient's government–issued identification and the recipient was at least 21 years old.

§2–145.

(a) An applicant for a direct wine shipper's permit or a direct wine delivery permit shall:

(1) submit to the Executive Director a completed application on a form that the Executive Director provides;

(2) provide to the Executive Director a copy of the applicant's current manufacturer's license;

(3) identify the wines manufactured by the applicant that the applicant intends to ship or deliver to a consumer in the State; and

(4) pay a fee of $200 for initial issuance of the direct wine shipper's permit or the direct wine delivery permit.

(b) The Executive Director shall issue a direct wine shipper's permit or a direct wine delivery permit to each applicant who meets the requirements of this part for the permit.

§2–146.

(a) A direct wine shipper's permit entitles the holder to sell wine manufactured by the holder through a holder of a common carrier permit to a consumer by receiving and filling orders that the consumer transmits by electronic or other means.

(b) A direct wine delivery permit entitles the holder to sell and deliver wine manufactured by the holder directly to a consumer in the State by receiving and filling orders that the consumer transmits by electronic or other means.

§2–147.

The term of a direct wine shipper's permit or a direct wine delivery permit is 1 year and begins on July 1.

§2–148.

(a) A direct wine shipper shall:

(1) ensure that all containers of wine shipped directly to a consumer in the State are conspicuously labeled with:

(i) the name of the direct wine shipper;

(ii) the name and address of the consumer who is the intended recipient; and

(iii) the words "Contains Alcohol: Signature of Person at Least 21 Years of Age Required for Delivery";

(2) report to the Comptroller and the Executive Director information about the direct wine shipper's wine shipments, in a manner that the Comptroller and the Executive Director determine;

(3) file a quarterly tax return in accordance with § 5–201(d) of the Tax – General Article;

(4) pay quarterly to the Comptroller all sales taxes and excise taxes due on sales to consumers in the State and calculate the taxes as if the sale were made in the State;

(5) maintain for 3 years complete and accurate records of all information needed to verify compliance with this part;

(6) allow the Comptroller and the Executive Director to perform an audit of the direct wine shipper's records on request; and

(7) consent to the jurisdiction of the Comptroller, the Executive Director, or other State unit and the State courts concerning enforcement of this section and any related law.

(b) A direct wine shipper may not:

(1) ship more than 18 9–liter cases of wine each year to a single delivery address; or

(2) cause wine to be delivered on Sunday to an address in the State.

§2–148.1.

(a) A direct wine deliverer shall:

(1) ensure that any container containing wine delivered directly to a consumer in the State is:

(i) conspicuously labeled with:

1. the name of the manufacturer;

2. the name and address of the consumer who is the intended recipient; and

3. the words "Contains Alcohol: Signature of Person at Least 21 Years of Age Required for Delivery"; and

(ii) commercially sealed by the manufacturer;

(2) report to the Executive Director information about the deliveries, in a manner that the Executive Director determines;

(3) file a quarterly tax return in accordance with § 5–201(d) of the Tax – General Article;

(4) pay quarterly to the Comptroller all sales taxes and excise taxes due on sales to consumers in the State;

(5) maintain for 3 years complete and accurate records of all information needed to verify compliance with this part; and

(6) allow the Comptroller or the Executive Director to perform an audit of the permit holder's records on request.

(b) The holder of a direct wine delivery permit may not cause more than 18 9–liter cases of wine to be delivered to a single address in a single calendar year.

§2–149.

(a) A direct wine shipper may renew its direct wine shipper's permit each year if the direct wine shipper:

(1) is otherwise entitled to have a direct wine shipper's permit;

(2) provides to the Executive Director a copy of its current permit;

(3) identifies the wines manufactured by the direct wine shipper that the direct wine shipper intends to ship into the State; and

(4) pays to the Executive Director a renewal fee of $200.

(b) The Executive Director may deny a renewal application of a direct wine shipper who fails to:

(1) file a tax return required under this part;

(2) pay a fee or tax when due; or

(3) after receiving notice, comply with this article or a regulation that the Comptroller or Executive Director adopts.

§2–149.1.

(a) A direct wine deliverer may renew its direct wine delivery permit each year if the direct wine deliverer:

(1) is otherwise entitled to hold a direct wine delivery permit;

(2) provides to the Executive Director and the Comptroller a copy of its current permit; and

(3) pays the Executive Director a renewal fee of $200.

(b) The Executive Director may deny a renewal application for a direct wine delivery permit if the holder fails to:

(1) file a tax return required under this part;

(2) pay a fee or tax when due; or

(3) after receiving notice, comply with this article or a regulation that the Executive Director adopts under this article.

§2–150.

(a) To receive a direct shipment or direct delivery of wine, a consumer in the State shall be at least 21 years old.

(b) A person who receives a shipment or delivery of wine shall use the shipment for personal consumption only and may not resell the shipment or delivery.

§2–151.

(a) There is a common carrier permit.

(b) A holder of a common carrier permit may deliver wine from a location inside or outside the State to a consumer in the State for the consumer's personal use under this part.

(c) A person shall be issued a common carrier permit before the person may engage in transporting wine from a direct wine shipper to a consumer.

(d) The term of a common carrier permit is 1 year and begins on July 1.

(e) To complete delivery of a shipment, the common carrier shall require from a consumer at the address listed on the shipping label:

(1) the signature of the consumer or another individual at the address who is at least 21 years old; and

(2) government–issued photographic identification showing that the signing individual is at least 21 years old.

(f) A common carrier shall refuse delivery when the intended receiving individual appears to be under the age of 21 years or refuses to present valid identification.

(g) At the time of initial application for a common carrier permit and on request of the Executive Director, a common carrier shall submit to the Executive Director information concerning the training of its drivers in verifying the age of recipients of direct wine shipments under this part.

(h) At least once each year, in a manner acceptable to the Executive Director, a holder of a common carrier permit shall verify that the shipper of wine into the State under this part holds a valid direct wine shipper's permit.

(i) A holder of a common carrier permit that delivers wine solely under this part may not be required to obtain a transportation permit issued under § 2–118 or § 2–119 of this subtitle in addition to the common carrier permit.

(j) The permit fee is $100.

§2–152.

(a) A common carrier shall report quarterly to the Executive Director:

(1) the date of each delivery of wine in the State; and

(2) the name and address of the direct wine shipper and the receiving consumer of each delivery.

(b) A common carrier shall maintain for 3 years complete and accurate records of all information needed to verify compliance with this part.

§2–153.

A person without a direct wine shipper's permit may not ship wine directly to a consumer in the State.

§2–154.

Each violation of this part is a separate violation.

§2–157.

This part applies statewide.

§2–158.

(a) There is an alcohol awareness program permit.

(b) The permit authorizes the holder to conduct an alcohol awareness program as certified by the Executive Director under § 4–505 of this article.

(c) The permit fee is $15.

§2–159.

(a) There is an alcohol awareness instructor's permit.

(b) The permit authorizes the holder to conduct alcohol awareness training as an employee or agent of an alcohol awareness program permit holder.

(c) The permit fee is $5.

§2–162.

This part applies statewide.

§2–163.

(a) There is a fuel–alcohol permit.

(b) The permit authorizes the holder to establish a distilled spirits plant for the sole purpose to manufacture, process, store, use, or distribute distilled spirits exclusively for fuel.

(c) A permit holder may not establish a distilled spirits plant for beverage purposes.

§2–164.

(a) There is a nonbeverage permit.

(b) The permit authorizes the holder to purchase alcohol and alcoholic beverages for:

(1) use in compounding or manufacturing flavoring extracts;

(2) medicinal, antiseptic, or toilet preparations or for other similar purposes;

(3) scientific or laboratory purposes;

(4) flavoring food products; or

(5) sale by pharmacists on the written prescription of a qualified physician.

(c) The permit holder may not use, sell, or deliver:

(1) alcoholic beverages for beverage purposes; or

(2) any other product that is:

(i) produced with alcoholic beverages; and

(ii) fit for beverage purposes.

(d) The permit does not expire until it is revoked.

(e) (1) Except as provided in paragraph (2) of this subsection, the fee for the issuance or renewal of the permit is $50.

(2) The Executive Director shall issue the permit without the payment of a fee to:

(i) a charitable organization; or

(ii) a holder of a fuel–alcohol permit.

§2–167.

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

(b) "Direct beer deliverer" means the holder of a direct beer delivery permit issued under this part.

(c) "Direct liquor deliverer" means the holder of a direct liquor delivery permit issued under this part.

(d) "Permit" means a direct beer delivery permit or direct liquor delivery permit issued by the Executive Director under this part.

§2–168.

(a) Before a licensed manufacturer may engage in delivering beer directly to a consumer in the State, the manufacturer shall be issued a direct beer delivery permit.

(b) Before a licensed manufacturer may engage in delivering liquor directly to a consumer in the State, the manufacturer shall be issued a direct liquor delivery permit.

§2–169.

(a) (1) To qualify for a direct beer delivery permit, an applicant shall be:

(i) a person licensed in the State to engage in the manufacture of beer; and

(ii) a holder of a Class 7 limited beer wholesaler's license.

(2) The holder of a direct beer delivery permit issued under § 2–170 of this subtitle may sell and deliver the permit holder's own product to an individual in the State if:

(i) the delivery is made by an employee who is:

1. at least 18 years old; and

2. certified by an approved alcohol awareness program;

(ii) the purchaser, or another individual at least 21 years old designated by the purchaser, is physically present to receive the beer at the time and place of delivery;

(iii) the purchaser pays for the purchase at the time of order; and

(iv) the direct beer deliverer and the individual receiving the delivery each endorse a delivery form that the Executive Director approves certifying that the direct beer deliverer examined the recipient's government–issued identification and the recipient was at least 21 years old.

(b) (1) To qualify for a direct liquor delivery permit, an applicant shall be:

(i) a person issued a license by the Executive Director in the State to engage in the manufacture of liquor; and

(ii) a holder of a Class 8 limited wholesaler's license.

(2) The holder of a direct liquor delivery permit issued under § 2–170 of this subtitle may sell and deliver the permit holder's own product to an individual in the State if:

(i) the delivery is made by an employee who is:

1. at least 18 years old; and

2. certified by an approved alcohol awareness program;

(ii) the purchaser, or another individual at least 21 years old designated by the purchaser, is physically present to receive the liquor at the time and place of delivery;

(iii) the purchaser pays for the purchase at the time of order; and

(iv) the direct liquor deliverer and the individual receiving the delivery each endorse a delivery form that the Executive Director approves certifying that the direct liquor deliverer examined the recipient's government–issued identification and the recipient was at least 21 years old.

§2–170.

(a) An applicant for a permit under this part shall:

(1) submit to the Executive Director a completed application on a form that the Executive Director provides;

(2) provide to the Executive Director a copy of the applicant's current manufacturer's license;

(3) identify the product manufactured by the applicant that the applicant intends to deliver to a consumer in the State; and

(4) pay a fee of $200 for initial issuance of the permit.

(b) If an applicant meets the requirements of this part, the Executive Director shall issue to the applicant:

(1) a direct beer delivery permit; or

(2) a direct liquor delivery permit.

§2–171.

(a) A direct beer delivery permit entitles the holder to sell and deliver beer manufactured by the holder directly to a consumer in the State by receiving and filling orders that the consumer transmits by electronic or other means.

(b) A direct liquor delivery permit entitles the holder to sell and deliver liquor manufactured by the holder directly to a consumer in the State by receiving and filling orders that the consumer transmits by electronic or other means.

§2–172.

The term of a permit issued under this part is 1 year and begins on July 1.

§2–173.

(a) A person who holds a permit under this part shall:

(1) ensure that any container containing an alcoholic beverage delivered directly to a consumer in the State is:

(i) conspicuously labeled with:

1. the name of the manufacturer;

2. the name and address of the consumer who is the intended recipient; and

3. the words "Contains Alcohol: Signature of Person at Least 21 Years of Age Required for Delivery"; and

(ii) commercially sealed by the manufacturer;

(2) report to the Executive Director information about the deliveries, in a manner that the Executive Director determines;

(3) file a quarterly tax return in accordance with § 5–201(d) of the Tax – General Article;

(4) pay quarterly to the Comptroller all sales taxes and excise taxes due on sales to consumers in the State and calculate the taxes as if the sales were made in the State;

(5) maintain for 3 years complete and accurate records of all information needed to verify compliance with this part;

(6) allow the Comptroller or the Executive Director to perform an audit of the permit holder's records on request; and

(7) consent to the jurisdiction of the Executive Director, Comptroller, or other State unit and the State courts concerning enforcement of this part and any related law.

(b) (1) The holder of a direct beer delivery permit may not cause more than 3,456 ounces of the permit holder's own product to be delivered to a single delivery address in a single calendar year.

(2) The holder of a direct liquor delivery permit may not cause more than 24 standard 750–milliliter bottles of the permit holder's own product, or an equivalent amount, to be delivered to a single delivery address in a single calendar year.

§2–174.

(a) A holder of a permit issued under this part may renew the permit each year if the holder:

(1) is otherwise entitled to hold a permit under this part;

(2) provides to the Executive Director and the Comptroller a copy of its current permit; and

(3) pays the Executive Director a renewal fee of $200.

(b) The Executive Director may deny a renewal application for a permit issued under this part if the holder fails to:

(1) file a tax return required under this subtitle;

(2) pay a fee or tax when due; or

(3) after receiving notice, comply with this article or a regulation that the Executive Director adopts under this article.

§2–175.

(a) To receive a direct delivery of beer or liquor, a consumer in the State shall be at least 21 years old.

(b) A person who receives a delivery of alcoholic beverages under this part shall use the alcoholic beverages for personal consumption only and may not resell the delivery in whole or in part.

§2–201.

Each license specified in this subtitle is a manufacturer's license that the Executive Director issues.

§2–202.

(a) There is a Class 1 distillery license.

(b) The license shall be obtained for each trade name and each distillery in the State.

(c) A license holder may:

(1) establish and operate a plant for distilling, rectifying, blending, and bottling, at the location described in the license:

(i) brandy;

(ii) rum;

(iii) whiskey;

(iv) alcohol; and

(v) neutral spirits;

(2) sell and deliver the alcoholic beverages:

(i) in bulk to a person in the State that is authorized to acquire them; and

(ii) to a person outside the State that is authorized to acquire them;

(3) manufacture an alcoholic beverage listed in item (1) of this subsection in the name of another person or under a trade name if the other person or trade name also holds a Class 1 distillery license;

(4) acquire alcoholic beverages from the holder of a manufacturer's license or wholesaler's license or nonresident dealer's permit for use in manufacturing;

(5) (i) conduct guided tours of the licensed premises;

(ii) at no cost or for a fee, serve to an individual who has attained the legal drinking age and participated in a guided tour of the licensed premises, not more than 2 ounces of products, with each product sample consisting of not more than one–half ounce from a single product manufactured by the license holder;

(iii) serve samples blended with other products manufactured by the license holder or nonalcoholic ingredients; and

(iv) sell products manufactured on the licensed premises, for off–premises consumption, and related merchandise to an individual who has attained the legal drinking age; and

(6) subject to subsection (i) of this section, sell liquor manufactured by the license holder that is mixed with other nonalcoholic ingredients.

(d) A license holder or entity in which a license holder has a pecuniary interest may not act as a caterer of food.

(e) Subject to subsection (f) of this section, a license holder may conduct the activities specified in subsections (c)(5) and (i)(2) of this section from 10 a.m. to 10 p.m. each day.

(f) A Class 1 distillery license allows the license holder to operate 7 days a week.

(g) At least 14 days before holding a planned promotional event after 6 p.m., a license holder shall file a notice of the promotional event with the Executive Director on the form that the Executive Director provides.

(h) A holder of a caterer's license or privilege under Subtitle 5 of this title or Subtitle 12 of various titles of Division II of this article may exercise the privileges of the license or privilege on the licensed premises of the license holder.

(i) (1) A local licensing board may grant an on–site consumption permit for use at the location of the Class 1 distillery license to a holder of a Class 1 distillery license.

(2) (i) The permit authorizes the holder to sell mixed drinks made from liquor that the holder produces that is mixed with other nonalcoholic ingredients for on–premises consumption.

(ii) The holder may not use more than an aggregate of 7,750 gallons annually of liquor the holder produces for mixed drinks sold under subparagraph (i) of this paragraph.

(3) A local licensing board:

(i) may establish and charge a permit fee; and

(ii) shall require the permit holder to:

1. comply with the alcohol awareness requirements under § 4–505 of this article; and

2. abide by all applicable trade practice restrictions.

(j) Nothing in this section limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

(k) The license holder shall report to the Executive Director annually on a form provided by the Executive Director on:

(1) the amount of alcoholic beverages produced under the license;

(2) the amount of alcoholic beverages sold for off–premises consumption; and

(3) the amount of alcoholic beverages served for on–premises consumption.

(l) Except as otherwise provided by law, the license holder may not sell alcoholic beverages for off–premises consumption to a person who intends to resell the alcoholic beverages.

(m) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed $2,000.

§2–203.

(a) There is a Class 9 limited distillery license.

(b) The limited distillery license may be issued only to a holder of a:

(1) Class D beer, wine, and liquor license where sales for both on– and off–premises consumption are permitted for use on the premises for which the Class D license was issued; or

(2) Class B beer, wine, and liquor license where sales for both on– and off–premises consumption are permitted for use on the premises for which the Class B license was issued.

(c) A holder of the limited distillery license:

(1) may establish and operate a plant in the State for distilling, rectifying, and bottling brandy, rum, whiskey, alcohol, and neutral spirits if the holder:

(i) maintains only one brand at any one time for each product of brandy, rum, whiskey, alcohol, and neutral spirits that is distilled, rectified, and sold; and

(ii) does not manufacture or rectify product of any other brand for another entity;

(2) may acquire bulk alcoholic beverages from the holder of a distillery or rectifying license in the State or from the holder of a nonresident dealer's permit;

(3) after acquiring an individual storage permit, may store on the licensed premises those products manufactured under the license;

(4) except as authorized under subsection (d)(1) of this section, may sell and deliver those products manufactured under the license only to a licensed wholesaler in the State or person authorized to acquire distilled spirits in another state and not to a county dispensary;

(5) may sell the products manufactured under the license at retail in a manner consistent with the underlying Class D or Class B license;

(6) may conduct guided tours of that portion of the licensed premises used for the limited distillery operation; and

(7) may serve not more than three samples of products manufactured at the licensed premises, with each sample consisting of not more than one–half ounce from a single product, to persons who:

(i) have attained the legal drinking age;

(ii) participated in a guided tour; and

(iii) are present on that portion of the premises used for the limited distillery operation.

(d) A holder of the limited distillery license may not:

(1) apply for or possess a wholesaler's license, except for a Class 8 liquor wholesaler's license;

(2) sell bottles of the products manufactured at the Class 9 limited distillery on that part of the premises used for the distillery operation;

(3) except as provided in subsection (e) of this section, distill, rectify, bottle, or sell more than 100,000 gallons of brandy, rum, whiskey, alcohol, and neutral spirits each calendar year;

(4) sell at retail on the premises of the Class D or Class B license, for on–premises or off–premises consumption, more than 31,000 gallons of the products manufactured under the license each calendar year; and

(5) own, operate, or be affiliated in any manner with another manufacturer.

(e) To distill more than the gallonage specified in subsection (d)(3) of this section, a holder of the limited distillery license shall divest itself of any Class D or Class B retail license and obtain a Class 1 distillery license.

(f) A holder of the limited distillery license shall abide by all trade practice restrictions applicable to distilleries.

(g) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed $500.

§2–204.

(a) There is a Class 2 rectifying license.

(b) A license holder may:

(1) establish and operate a plant for rectifying, blending, and bottling alcoholic beverages at the location described in the license;

(2) sell and deliver alcoholic beverages to:

(i) a holder of a Class 1 distillery license, Class 2 rectifying license, or wholesaler's license;

(ii) a holder of a permit that is authorized to acquire the alcoholic beverage; and

(iii) a person outside the State that is authorized to acquire the alcoholic beverage;

(3) acquire alcoholic beverages from the holder of a Class 1 distillery license, Class 2 rectifying license, Class 3 winery license, wholesaler's license, or nonresident dealer's permit;

(4) rectify, blend, bottle, and store alcoholic beverages in the name of another person or under a trade name if the other person or trade name also holds a Class 2 rectifying license; and

(5) (i) conduct guided tours of the licensed premises; and

(ii) serve not more than three samples of products manufactured at the licensed premises, with each sample consisting of not more than one–half ounce from a single product, to an individual who has attained the legal drinking age and participated in a guided tour of the licensed premises.

(c) A license holder or entity in which a license holder has a pecuniary interest may not act as a caterer of food.

(d) Subject to subsection (e) of this section, a license holder may conduct the activities specified in subsection (b)(5) of this section:

(1) for off–premises consumption of products manufactured at the licensed premises and for sampling, from 10 a.m. to 10 p.m. each day; and

(2) for on–premises consumption of products manufactured at the licensed premises:

(i) from 10 a.m. to 6 p.m. each day; or

(ii) if guests are attending a planned promotional event or other organized activity on the licensed premises, from 10 a.m. to 10 p.m. each day.

(e) A Class 2 rectifying license allows the license holder to operate 7 days a week.

(f) At least 14 days before holding a planned promotional event after 6 p.m., a license holder shall file a notice of the promotional event with the Executive Director on the form that the Executive Director provides.

(g) A holder of a caterer's license or privilege under Subtitle 5 of this title or Subtitle 12 of various titles of Division II of this article may exercise the privileges of the license or privilege on the licensed premises of the license holder.

(h) Nothing in this section limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

(i) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed $600.

§2–205.

(a) There is a Class 3 winery license.

(b) A license holder may:

(1) establish and operate a plant for fermenting and bottling wine at the location described in the license;

(2) import bulk wine from the holder of a nonresident dealer's permit;

(3) sell and deliver wine to:

(i) a holder of a wholesaler's license;

(ii) a holder of a permit that is authorized to acquire wine; and

(iii) a person outside the State that is authorized to acquire wine;

(4) subject to subsection (c) of this section, sell at retail wine made at the plant from products grown in the State to an individual participating in a guided tour of the plant; and

(5) serve, at no charge, not more than 6 ounces of wine made at the plant to an individual who has attained the legal drinking age and is participating in a guided tour of the plant.

(c) An individual may purchase wine under subsection (b)(4) of this section if the individual has attained the legal drinking age.

(d) The license holder shall report to the Executive Director annually on a form provided by the Executive Director on:

(1) the amount of alcoholic beverages produced under the license;

(2) the amount of alcoholic beverages sold for off–premises consumption; and

(3) the amount of alcoholic beverages served for on–premises consumption.

(e) Except as otherwise provided by law, the license holder may not sell alcoholic beverages for off–premises consumption to a person who intends to resell the alcoholic beverages.

(f) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed $750.

§2–206.

(a) (1) In this section, "Maryland–grown agricultural product" means any product produced or cultivated on a farm or vineyard in the State.

(2) "Maryland–grown agricultural product" does not include:

(i) cannabis; or

(ii) any other product containing tetrahydrocannabinol as defined in § 36–1102 of this article.

(b) There is a Class 4 limited winery license.

(c) (1) A license holder may:

(i) subject to paragraph (2) of this subsection, from available Maryland agricultural products:

1. ferment and bottle wine; and

2. distill and bottle pomace brandy; and

(ii) sell and deliver the wine and pomace brandy to:

1. a holder of a wholesaler's license;

2. a holder of a permit that is authorized to acquire wine or pomace brandy; or

3. a person outside the State that is authorized to acquire wine or pomace brandy.

(2) A license holder:

(i) shall own or have under contract at least 20 acres of Maryland–grown agricultural products in cultivation for use in the production of wine; or

(ii) except as provided in paragraph (3) of this subsection, if less than 20 acres are owned or under contract, shall ensure that at least 51% of the ingredients used in the annual production of the license holder's wine are Maryland–grown agricultural products.

(3) (i) The Secretary of Agriculture each year may grant a 1–year exemption to an applicant from the percentage requirement under paragraph (2)(ii) of this subsection.

(ii) The Secretary shall adopt regulations governing the granting of an exemption under subparagraph (i) of this paragraph, after consultation with the Advisory Commission on Maryland Alcohol Manufacturing, the Maryland Grape Growers Association, the Maryland Wineries Association, and other interested parties.

(4) Except as provided in Subtitle 3 of this title, a license holder need not obtain any other license to possess, manufacture, sell, or transport wine or pomace brandy.

(5) A license holder may:

(i) sell wine and pomace brandy produced by the license holder for on– and off–premises consumption;

(ii) in an amount not exceeding 2 fluid ounces per brand, provide samples of wine and pomace brandy that the license holder produces to a consumer:

1. at no charge; or

2. for a fee; and

(iii) subject to paragraphs (6) and (7) of this subsection, prepare, sell, or serve only:

1. bread and other baked goods;

2. chili;

3. chocolate;

4. crackers;

5. cured meat;

6. fruits (whole and cut);

7. hard and soft cheese (whole and cut);

8. salads and vegetables (whole and cut);

9. the following items made with Maryland wine:

A. ice cream;

B. jam;

C. jelly; and

D. vinegar;

10. pizza;

11. sandwiches and other light fare;

12. soup; and

13. condiments.

(6) (i) A caterer is not limited to preparing, selling, or serving only the foods specified in paragraph (5)(iii) of this subsection.

(ii) A license holder or entity in which the license holder has a pecuniary interest may not act as a caterer of food.

(7) Subject to paragraph (8) of this subsection, a license holder may conduct the activities specified in paragraph (5) of this subsection from 10 a.m. to 10 p.m. each day.

(8) Except as provided in Division II of this article, the license allows the license holder to operate 7 days a week.

(9) Nothing in this subsection limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

(d) The place listed on the license shall be in compliance with § 1–405(b) of this article.

(e) A license holder may:

(1) store on its licensed premises, in a segregated area approved by the Executive Director, the product of other Class 4 limited wineries to be used at Maryland Wineries Association promotional activities, provided records are maintained and reports filed regarding the storage under this item as may be required by the Executive Director;

(2) distill and bottle not more than 1,900 gallons of pomace brandy made from available Maryland agricultural products;

(3) purchase bulk wine made entirely of Maryland–grown agricultural products fermented by a manufacturer licensed under this article and blend the wine with the license holder's wine and pomace brandy if the aggregate purchase does not exceed 75% of the license holder's annual wine and pomace brandy production;

(4) purchase pomace brandy only for blending with wine;

(5) import, export, and transport its wine and pomace brandy in accordance with this section; and

(6) produce wine and pomace brandy at a warehouse for which the license holder has been issued an individual storage permit, if:

(i) the license holder does not serve or sell wine or pomace brandy at a warehouse to the public; and

(ii) the Executive Director has full access at all times to the warehouse to enforce this article.

(f) A Class 4 limited winery may be located only at the place stated on the license.

(g) If a license holder maintains the records and files the reports that the Comptroller and the Executive Director require, the license holder may:

(1) in the State, conduct winemaking and packaging activities at another federally bonded winery or limited winery; or

(2) outside the State, conduct winemaking and packaging activities, other than fermentation, at another federally bonded winery.

(h) Throughout the winemaking process, the license holder shall:

(1) maintain ownership of the wine or pomace brandy; and

(2) ensure that the wine or pomace brandy returns to the location of the limited winery.

(i) The license holder shall report to the Executive Director annually on a form provided by the Executive Director on:

(1) the amount of alcoholic beverages produced under the license;

(2) the amount of alcoholic beverages sold for off–premises consumption; and

(3) the amount of alcoholic beverages served for on–premises consumption.

(j) Except as otherwise provided by law, the license holder may not sell alcoholic beverages for off–premises consumption to a person who intends to resell the alcoholic beverages.

(k) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed $200.

§2–207.

(a) In this section, "affiliate" means a person that directly or indirectly through one or more intermediaries controls, is controlled by, or is under common control with a holder of a Class 5 brewery license.

(b) There is a Class 5 brewery license.

(c) A license holder may:

(1) establish and operate a plant for brewing and bottling malt beverages at the location described in the license;

(2) import beer from a holder of a nonresident dealer's permit;

(3) contract to brew and bottle beer with and on behalf of the holder of a Class 2 rectifying license, Class 5 brewery license, Class 7 micro–brewery license, Class 8 farm brewery license, or a nonresident dealer's permit;

(4) sell and deliver beer to:

(i) a holder of a wholesaler's license that is authorized to acquire beer; or

(ii) a person outside of the State that is authorized to acquire beer;

(5) subject to subsection (i) of this section, serve, at the location described in the license and at no charge, samples of beer, consisting of a total of not more than 18 ounces of beer per visit, to an individual who:

(i) has attained the legal drinking age; and

(ii) is participating in a guided tour of the brewery or attends a scheduled promotional event or other organized activity at the brewery;

(6) subject to subsections (d) and (i) of this section, sell beer for off–premises consumption at the location described in the license, at retail in a container other than a keg to an individual who has attained legal drinking age;

(7) subject to subsection (f) of this section, sell beer at the location described in the license for on–premises consumption; and

(8) brew and bottle malt beverages at a location listed on a permit issued to the license holder in accordance with § 2–113 of this title.

(d) An individual may purchase beer under subsection (c)(6) of this section if the individual has attained the legal drinking age.

(e) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed $1,500.

(f) (1) (i) A local licensing board may grant an on–site consumption permit to an applicant that holds a Class 5 brewery license and, subject to paragraph (5) of this subsection, a Class D beer license.

(ii) On request, a local licensing board may grant an applicant a conditional on–site consumption permit or a conditional Class D beer license.

(iii) The conditional permit or conditional license shall become effective after the applicant:

1. files a completed brewer's notice form with the U.S. Department of Treasury;

2. obtains a Class 5 brewery license; and

3. fulfills any other obligation required by law that the local licensing board identifies.

(2) Subject to the maximum volume limit under paragraph (4) of this subsection, a Class D beer license or an equivalent license under paragraph (5) of this subsection entitles the holder to sell to an individual who has attained the legal drinking age, for on–premises consumption at the brewery:

(i) beer:

1. of which the holder of the Class 5 license is the brand owner; and

2. that is fermented and brewed entirely by the license holder at a location authorized by this section;

(ii) beer that is fermented and brewed entirely at the brewery under contract with a brand owner who does not possess a Class 5 license; and

(iii) subject to paragraph (3) of this subsection, beer brewed at a location other than the Class 5 brewery if:

1. the brand owner of the beer is the holder of the Class 5 license or an affiliate of the holder of the Class 5 license;

2. the number of barrels of the beer sold for on–premises consumption under the Class D beer license or an equivalent license or an on–site consumption permit in a calendar year does not exceed the greater of:

A. 35% of the total number of barrels of beer sold for on–premises consumption under the Class D license or an equivalent license or an on–site consumption permit in that calendar year; or

B. 1.2% of total finished production under the Class 5 brewery license; and

3. A. the license holder contracts with or on behalf of a holder of a manufacturer's license or nonresident dealer's permit; or

B. the beer is manufactured by an affiliate of the license holder.

(3) (i) This paragraph applies to a Class 5 brewery with more than 1,000,000 barrels of finished production annually, alone or in combination with its affiliates.

(ii) Beer that is delivered to the Class 5 brewery in finished form may be sold for on–premises consumption under paragraph (2)(iii)2 of this subsection only if it is purchased from a licensed wholesaler.

(4) The total amount of beer sold each year for on–premises consumption under this subsection may not exceed 5,000 barrels.

(5) Before a local licensing board that does not issue a Class D beer license may grant an on–site consumption permit, the local licensing board shall:

(i) establish an equivalent license; and

(ii) require the applicant to obtain that equivalent license.

(6) A local licensing board may charge a fee for granting an on–site consumption permit.

(7) A local licensing board shall require the holder of an on–site consumption permit or a Class D beer license or an equivalent license under paragraph (5) of this subsection to:

(i) comply with the alcohol awareness requirements under § 4–505 of this article; and

(ii) abide by all applicable trade practice restrictions.

(g) (1) This subsection does not apply to:

(i) the holder of a Class 5 brewery license that held an on–site consumption permit and a Class D license or an equivalent license on or before April 1, 2017, and any transferee of those licenses;

(ii) an individual who held a minority interest in an on–site consumption permit and a Class D license or an equivalent license on or before April 1, 2017, and then obtains by transfer a majority interest in the same license or permit;

(iii) a location in the State for which a completed brewer's notice form was filed with the U. S. Department of Treasury on or before April 1, 2017;

(iv) a permit issued under § 2–140 of this title; and

(v) a guided tour during which:

1. samples of beer are served under subsection (c)(5) of this section; or

2. beer is sold for off–premises consumption under subsection (c)(6) of this section.

(2) This subsection applies to:

(i) a holder of a Class 5 brewery license who:

1. after April 1, 2017, obtains an on–site consumption permit and a Class D beer license or equivalent license for on–premises consumption; or

2. not holding a minority interest in an on–site consumption permit and a Class D license or an equivalent license on or before April

1, 2017, obtains a majority interest by transfer in an on–site consumption permit and a Class D license or an equivalent license; and

(ii) notwithstanding paragraph (1)(iii) of this subsection, a manufacturer of beer with more than 1,000,000 barrels of finished production annually alone or in combination with its affiliates.

(3) Notwithstanding any provision in Division II of this article, the sales and serving privileges of an on–site consumption permit and a Class D license or an equivalent license may be exercised only from 10 a.m. to 10 p.m. Monday through Sunday.

(h) All beer offered, served, or sold to a consumer under subsection (c)(5) or (6) of this section shall be:

(1) fermented and brewed entirely at the Class 5 brewery; or

(2) beer of which the license holder or an affiliate of the license holder is the brand owner.

(i) (1) (i) The Executive Director may issue a refillable container permit for draft beer under § 4–1104 or Subtitle 11 of the various titles in Division II of this article to a holder of a Class 5 brewery license:

1. on completion of an application form that the Executive Director provides; and

2. at no cost to the holder of the Class 5 brewery license.

(ii) A refillable container permit may be renewed each year concurrently with the renewal of the Class 5 brewery license.

(2) The hours of sale for a refillable container permit issued under this subsection are the same as the hours when a guided tour, a promotional event, or other organized activity at the licensed premises authorized under subsection (c) of this section may be conducted.

(j) The license holder shall report to the Executive Director annually on a form provided by the Executive Director on:

(1) the amount of alcoholic beverages produced under the license;

(2) the amount of alcoholic beverages sold for off–premises consumption; and

(3) the amount of alcoholic beverages sold for on–premises consumption.

(k) Except as otherwise provided by law, the license holder may not sell alcoholic beverages for off–premises consumption to a person who intends to resell the alcoholic beverages.

§2–208.

(a) There is a Class 6 pub–brewery license.

(b) (1) The license may be issued only to the holder of a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant.

(2) The pub–brewery shall be located immediately adjacent to the restaurant where the malt beverage is to be sold to the public.

(c) A license holder:

(1) may brew malt beverages at a single location for consumption on the restaurant premises; but

(2) may not brew more than 2,000 barrels of malt beverage each calendar year.

(d) (1) A license holder may sell at retail malt beverages for off–premises consumption in a sealed refillable container.

(2) The container:

(i) may be returned for refilling; and

(ii) shall be sealed by the license holder when refilled.

(3) A license holder may not sell malt beverages to a retail dealer in the State for subsequent sale or distribution of the malt beverage under the retail license.

(e) Except for a license transferred to a new location, the license may be transferred under Title 4, Subtitle 3 of this article if an application for transfer is filed at the same time with the local licensing board and the Executive Director.

(f) If the Class B beer, wine, and liquor (on–sale) license of the holder is suspended, the Class 6 pub–brewery license shall be suspended for the same period.

(g) The license is void if:

(1) the restaurant described in subsection (b)(1) of this section ceases to be operated as a restaurant; or

(2) the Class B beer, wine, and liquor (on–sale) license of the license holder is revoked or transferred to a different location.

(h) The annual license fee is $500.

(i) (1) On or before December 1 each year, the Commission shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2–1257 of the State Government Article, the total beer production of each Class 6 license holder in the preceding fiscal year, identified by jurisdiction and license holder.

(2) Each holder of a Class 6 license shall report to the Executive Director the information needed to prepare the annual report required under this subsection.

(3) The Commission shall include the information reported under this subsection in the annual report submitted under § 1–316 of this article.

§2–209.

(a) There is a Class 7 micro–brewery license.

(b) Except as provided in Division II of this article, the license may be issued only to the holder of a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant.

(c) A license holder may:

(1) brew and bottle malt beverages at the location described in the license;

(2) obtain a Class 2 rectifying license for a premises located within 1 mile of the existing Class 7 micro–brewery location to bottle malt beverages brewed at the micro–brewery location only;

(3) contract to brew and bottle malt beverages with and on behalf of the holder of a Class 2 rectifying license, Class 5 brewery license, Class 7 micro–brewery license, Class 8 farm brewery license, or a nonresident dealer's permit;

(4) store the finished product under an individual storage permit or at a licensed public storage facility for subsequent sale and delivery:

(i) to a holder of a wholesaler's license;

(ii) to an authorized person outside the State; or

(iii) for shipment back to the micro–brewery location for sale on the retail premises;

(5) enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or a wine and beer festival, and the return of any unused beer, if:

(i) the festival is in a sales territory for which the license holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act in Title 5, Subtitle 1 of this article; and

(ii) the temporary delivery agreement is in writing;

(6) hold an additional Class 7 micro–brewery license provided that both licenses remain subject to the production limits of subsection (d) of this section; and

(7) subject to subsection (d) of this section, brew and bottle malt beverages at a location listed on a permit issued in accordance with § 2–113 of this title.

(d) (1) Subject to paragraph (2) of this subsection, a license holder may not collectively brew, bottle, or contract for more than 45,000 barrels of malt beverages each calendar year.

(2) (i) In determining the barrelage limitation under paragraph (1) of this subsection, any salable beer produced under a contractual arrangement accrues only to the license holder that owns the brand.

(ii) A license holder that wishes to produce more than the barrelage authorized under paragraph (1) of this subsection shall:

1. divest itself of any retail license; and

2. obtain a Class 5 brewery license.

(3) A license holder that has licenses for two locations may not collectively brew, bottle, or contract for more than 45,000 barrels of malt beverages in aggregate from both of its locations each calendar year.

(e) A license holder:

(1) may not own, operate, or be affiliated with another manufacturer of beer except for a Class 2 rectifying license authorized under subsection (c)(2) of this section or more than one additional Class 7 micro–brewery license; and

(2) may not be granted a wholesaler's license other than a Class 7 limited beer wholesaler's license.

(f) (1) The on–sale privilege authorizes the license holder, each calendar year, to sell at retail for on–premises consumption:

(i) up to 5,000 barrels of beer brewed under the license; or

(ii) if the license holder has licenses for two locations, beer that:

1. totals annually up to 5,000 barrels at each location; and

2. has been brewed at the location where it is sold.

(2) A license holder may sell and deliver beer brewed under the license to:

(i) a holder of a wholesaler's license; or

(ii) a person outside the State that is authorized to acquire beer.

(g) The hours and days for retail sales under the license are those established for a Class B license or for a holder of a Class B beer, wine, and liquor license.

(h) A license holder may sell at retail beer brewed under the license for off–premises consumption:

(1) in a sealed refillable container that:

(i) may be returned for refilling; and

(ii) shall be sealed by the license holder when refilled; and

(2) as prepackaged beer in a nonrefillable container.

(i) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed $500.

(j) (1) On or before December 1 each year, the Commission shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2–1257 of the State Government Article, on the following, identified by jurisdiction and Class 7 license holder:

(i) the total beer production of the license holder in the preceding fiscal year; and

(ii) the total sales of the license holder for on–site consumption.

(2) Each holder of a Class 7 license shall report to the Executive Director the information needed to prepare the annual report required under this subsection.

(3) The Commission shall include the information reported under this subsection in the annual report submitted under § 1–316 of this article.

§2–210.

(a) There is a Class 8 farm brewery license.

(b) (1) Subject to paragraph (2) of this subsection, a license holder may sell and deliver beer manufactured in a facility on the licensed farm or in a facility other than one on the licensed farm to:

(i) a wholesaler licensed to sell and deliver beer in the State; or

(ii) a person in another state authorized to acquire beer.

(2) The beer to be sold and delivered under paragraph (1) of this subsection shall be manufactured with an ingredient from a Maryland agricultural product, including hops, grain, and fruit, produced on the licensed farm.

(c) A license holder may:

(1) (i) sell beer produced by the license holder for on–premises and off–premises consumption;

(ii) in an amount not exceeding 6 fluid ounces per brand, provide samples of beer that the license holder produces to a consumer:

1. at no charge; or

2. for a fee;

(iii) sell or serve:

1. bread and other baked goods;

2. chili;

3. chocolate;

4. crackers;

5. cured meat;

6. fruits (whole and cut);

7. hard and soft cheese (whole and cut);

8. salads and vegetables (whole and cut);

9. ice cream;

10. jam;

11. jelly;

12. vinegar;

13. pizza;

14. prepackaged sandwiches and other prepackaged foods ready to be eaten;

15. soup; and

16. condiments; and

(iv) subject to subsection (e)(2) of this section, sell or serve any food if the license holder is licensed to operate a food establishment under Title 21, Subtitle 3 of the Health – General Article;

(2) store, in a segregated area approved by the Executive Director, beer produced by the license holder for sale and delivery to a wholesaler licensed in the State or a person outside the State authorized to acquire the beer;

(3) brew, bottle, or contract for not more than 15,000 barrels of beer each calendar year;

(4) contract with the holder of a Class 2 rectifying license, a Class 5 brewery license, or a Class 7 micro–brewery license to brew and bottle beer from ingredients produced on the licensed farm;

(5) import, export, and transport its beer in accordance with this section;

(6) store, brew, and bottle beer in a facility listed on a permit issued to the license holder in accordance with § 2–113 of this title, for sale and delivery to a wholesaler licensed in the State or a person outside the State authorized to acquire the beer, or shipment back to the licensed farm, if:

(i) the license holder does not serve or sell beer at the warehouse; and

(ii) the Executive Director has full access at all times to the warehouse to enforce this article; and

(7) enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or a wine and beer festival, and the return of any unused beer, if:

(i) the festival is in a sales territory for which the license holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act in Title 5, Subtitle 1 of this article; and

(ii) the temporary delivery agreement is in writing.

(d) (1) A Class 8 farm brewery may be located only at the place stated on the license.

(2) The place listed on the license shall be in compliance with § 1–405(b) of this article.

(e) (1) Except as provided in paragraph (2) of this subsection and notwithstanding any local law, a license holder may exercise the privileges of a Class 8 farm brewery license.

(2) A license holder who sells foods under subsection (c)(1)(iv) of this section shall meet the same ratio of gross receipts between food and alcoholic beverages sales as a holder of a Class D beer and wine license or an equivalent license in the jurisdiction, as the local licensing board determines.

(f) (1) This subsection does not apply to a permit issued under § 2–140 of this title.

(2) A license holder at the location listed on the license may exercise the privileges of the license each day from 10 a.m. to 10 p.m.

(g) Except as provided in Division II of this article, a Class 8 farm brewery license allows the license holder to operate 7 days a week.

(h) Nothing in this section limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

(i) (1) A license holder may sponsor a multibrewery activity at the location issued on the license that:

(i) includes the products of other Maryland breweries; and

(ii) provides for the sale of products in the manner authorized under the license.

(2) In a segregated area approved by the Executive Director at the location listed on the license, a license holder may store the products of other Maryland breweries for the multibrewery activity.

(3) The multibrewery activity:

(i) may be held from 10 a.m. to 10 p.m. each day; and

(ii) may not exceed 3 consecutive days.

(j) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed $200.

(k) (1) On or before December 1 each year, the Executive Director shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2–1257 of the State Government Article, the total beer production of each Class 8 license holder in the preceding fiscal year, identified by jurisdiction and license holder.

(2) Each holder of a Class 8 license shall report to the Executive Director the information needed to prepare the annual report required under this subsection.

(3) The Executive Director shall include the information reported under this subsection in the annual report submitted under § 1–316 of this article.

§2–211.

To be issued a manufacturer's license, the following individuals shall reside in the State at the time of filing an application for the license:

(1) for a sole proprietorship, the individual applicant;

(2) for a corporation or limited liability company, the individual who qualifies as a resident applicant; or

(3) for a partnership, each partner of the applicant.

§2–212.

(a) (1) This subsection does not apply to a Class 6 pub–brewery license.

(2) The holder of a distillery, rectifying, winery, limited winery, brewery, or farm brewery license may apply for and obtain, under a different name, one or more additional distillery, rectifying, winery, limited winery, brewery, or farm brewery licenses for the same or different premises.

(3) (i) The holder of multiple manufacturer's licenses at the same location may allow the sampling, sales, and consumption of products produced under the licenses at each of the licensed premises.

(ii) The sampling, sales, and consumption of products shall be consistent with the authorization for each license.

(4) The additional licenses may be issued to different persons or under trade names used by persons occupying all or a part of the same premises.

(5) A holder of a license listed in paragraph (2) of this subsection may hold additional licenses listed in paragraph (2) of this subsection of the same or of a different class.

(6) The holder of a micro–brewery license may apply for and obtain not more than one additional micro–brewery license for another premises.

(b) (1) The holder of a rectifying or winery license may apply for and obtain a wholesaler's license of any class for the same premises or elsewhere as provided under this article.

(2) The holder of a Class 4 limited winery license may apply for and obtain a Class 6 limited wine wholesaler's license for the same premises or elsewhere as provided under this article.

(3) (i) The holder of a Class 5 brewery license or Class 7 micro–brewery license may apply for and obtain a Class 7 limited beer wholesaler's license in accordance with this paragraph.

(ii) A holder of a Class 5 brewery license that was selling the holder's own beer at wholesale in the State as of January 1, 2013, may obtain a Class 7 limited beer wholesaler's license to continue to sell the holder's own beer at wholesale in the same location in an amount that is not more than 5,000 barrels annually.

(iii) A holder of a Class 5 brewery license that produces in aggregate from all its locations not more than 45,000 barrels of beer annually may obtain a Class 7 limited beer wholesaler's license and distribute not more than 5,000 barrels of its own beer annually.

(4) A holder of one or two Class 7 micro–brewery licenses that produces in aggregate from all of its locations not more than 45,000 barrels of beer annually may obtain a Class 7 limited beer wholesaler's license and distribute beer that:

(i) totals annually not more than 5,000 barrels in aggregate from all of its locations; and

(ii) has been brewed at the location from where it is distributed.

(5) The holder of a Class 1 distillery license may apply for and obtain a Class 8 liquor wholesaler's license for the same premises or elsewhere as provided under this article.

(6) The holder of a Class 9 limited distillery license may apply for and obtain a Class 8 liquor wholesaler's license, for the same premises or elsewhere as provided under this article, and distribute its own liquor.

§2–213.

(a) In addition to any license fee otherwise required under this article, an applicant for initial issuance of a manufacturer's license shall pay to the Executive Director a nonrefundable application fee of $200.

(b) In addition to any license fee otherwise required under this article, an applicant for renewal of a manufacturer's license shall pay to the Executive Director a renewal fee of $30.

§2–214.

(a) Except as otherwise provided with respect to a delivery permit issued under Subtitle 1, Part V or Part VIII of this title or a 1–day license in Division II of this article, and subject to subsection (b) of this section, a holder of a manufacturer's license may not sell or deliver alcoholic beverages to a person in the State that does not hold a license or permit under this article.

(b) This section does not prohibit a holder of a Class 4 limited winery license and a Class 6 limited wine wholesaler's license from also holding a Class A light wine license issued under Division II of this article.

§2–215.

(a) A holder of a manufacturer's license may not sell beer to a retail dealer on terms other than for cash on delivery.

(b) A civil action to enforce or collect a claim for credit extended or to enforce a check given in violation of this section may not be maintained in the State.

§2–216.

(a) (1) In this section the following words have the meanings indicated.

(2) "Advertisement" includes a graphic or nongraphic sign, display, poster, and placard.

(3) "Manufacturing entity" means:

(i) a holder of a manufacturer's license or a person connected with the business of the holder; or

(ii) a distiller, nonresident dealer, resident dealer, brewer, rectifier, blender, or bottler of alcoholic beverages.

(b) Except as otherwise provided in this section:

(1) a manufacturing entity may not have a financial interest in:

(i) the premises on or in which a license holder sells alcoholic beverages at retail; or

(ii) a business that a license holder conducts;

(2) a manufacturing entity may not lend money or any other thing of value, make a gift, or offer a gratuity to a retail dealer;

(3) a retail dealer may not accept, receive, or make use of money, a gift, or an advertisement provided by a manufacturing entity or become indebted to a manufacturing entity except for the purchase of alcoholic beverages and allied products purchased for resale; and

(4) a manufacturing entity may not provide an advertisement to a retail dealer.

(c) (1) This subsection applies only to brewed products.

(2) (i) Except as provided in subsection (e) of this section, a brewer, nonresident dealer, or resident dealer may not provide to a retail license holder an advertisement that:

1. is worth more than $150; and

2. advertises the beer or malt products of a particular brewer, nonresident dealer, resident dealer, or beer wholesaler.

(ii) An advertisement provided in accordance with this subsection shall contain brand information that is prominent, permanent, and equal to the life and value of the utilitarian character of the advertising item.

(d) (1) This subsection applies only to wine and liquor.

(2) An advertisement for use in windows or elsewhere on a retail liquor establishment may be given to a retailer by a brand owner who is engaged in the business of a manufacturing entity, if:

(i) the utilitarian value is secondary and only incidental to the value as an advertisement;

(ii) the total value of an item provided by a brand owner for each of its individual brands for use in any one retail establishment at any one time is not more than $150 for each individual brand; and

(iii) the cost of installing these materials does not exceed the usual cost in the locality.

(3) (i) In lieu of premanufactured advertising material, materials and labor may be provided by a brand owner for the custom manufacture of an advertising display that:

1. is worth not more than $150;

2. is temporary; and

3. has no other utilitarian value.

(ii) A manufacturer, nonresident dealer, resident dealer, or brand owner may not undertake a plan that directly or indirectly results in the purchase of advertising materials, supplies, or services by a wholesaler's license holder or retail license holder.

(iii) A retail license holder may not participate directly or indirectly in a transaction in which the license holder pays for or shares the cost for any of the advertising materials, supplies, services, or mailing expenses used to promote a brand owner's products.

(e) (1) Subsections (b) and (c) of this section do not apply to:

(i) a holder of a Class 6 pub–brewery license with respect to the malt beverages brewed on the premises; or

(ii) a holder of a Class 7 micro–brewery license with respect to the malt beverages brewed on the premises that are sold:

1. on the licensed premises of the brewery; or

2. in a restaurant or brewery pub owned, conducted, and operated by the holder in or adjacent to the brewery for which it is licensed.

(2) A holder of a Class 6 pub–brewery license or a Class 7 micro–brewery license may hold or have a financial interest in one retail license that does not apply to premises to which a Class 6 pub–brewery license or Class 7 micro–brewery license applies.

§2–217.

(a) The purpose of this section is to eliminate the undue stimulation of the sale of alcoholic beverages and the practice of manufacturers granting secret discounts, rebates, allowances, free goods, or other inducements to selected license holders that contribute to a disorderly distribution of alcoholic beverages.

(b) (1) A licensed manufacturer, resident dealer, or nonresident winery permit holder may not discriminate directly or indirectly in price, discounts, or the quality of merchandise sold between:

(i) one dispensary and another dispensary;

(ii) one wholesaler and another wholesaler; or

(iii) one retailer and another retailer that purchases alcoholic beverages that bear the same brand and trade name, and are similar in age and quality.

(2) A nonresident dealer, resident dealer, nonresident winery permit holder, or nonresident unlicensed manufacturer may not use or promote the use of a practice prohibited under paragraph (1) of this subsection to sell or distribute alcoholic beverages to or through a licensed manufacturer, licensed wholesaler, or county dispensary.

(c) A supplier, nonresident dealer, resident dealer, or nonresident winery permit holder may not make a discount, rebate, or depletion allowance that is offered on a product dependent on the pricing policy or practice of the license holder who is invoiced for the product.

(d) (1) This section does not restrict a manufacturer, nonresident dealer, resident dealer, or nonresident winery permit holder from limiting the quantity of alcoholic beverages to be sold to a license holder under a voluntary or compulsory rationing plan.

(2) A manufacturer, nonresident dealer, resident dealer, or nonresident winery permit holder is not required to sell to all license holders from whom orders are received.

§2–218.

A holder of a manufacturer's license or the owner of an interest in a distillery, brewery, rectifying, blending, or bottling plant may not enter into an agreement with a retail dealer that limits the purchases or sales of the retail dealer to the products of any producer.

§2–301.

Each license specified in this title is a wholesaler's license that the Executive Director issues.

§2–302.

(a) There is a Class 1 beer, wine, and liquor wholesaler's license.

(b) The license authorizes the license holder to:

(1) acquire beer, wine, and liquor from:

(i) a license holder that is authorized to sell and deliver the beer, wine, and liquor to a wholesaler; and

(ii) a holder of a nonresident dealer's permit or a resident dealer's permit that is authorized to sell and deliver beer, wine, and liquor; and

(2) sell and deliver beer, wine, and liquor from the licensed premises to:

(i) a license holder or permit holder in the State; and

(ii) an authorized person outside the State.

(c) The annual license fee is $2,000.

(d) The license holder may use an additional location for the warehousing, sale, and delivery of beer, wine, and liquor:

(1) if approved by the Executive Director following submission of a separate application for each location; and

(2) on the payment of a $2,000 fee for each additional location.

§2–303.

(a) There is a Class 2 wine and liquor wholesaler's license.

(b) The license authorizes the license holder to:

(1) acquire wine and liquor from:

(i) a license holder that is authorized to sell and deliver the wine and liquor to a wholesaler; and

(ii) a holder of a nonresident dealer's permit or a resident dealer's permit that is authorized to sell and deliver wine and liquor; and

(2) sell and deliver wine and liquor from the licensed premises to:

(i) a license holder or permit holder in the State; and

(ii) an authorized person outside the State.

(c) The annual license fee is $1,750.

(d) The license holder may use an additional location for the warehousing, sale, and delivery of wine and liquor:

(1) if approved by the Executive Director following submission of a separate application for each location; and

(2) on the payment of a $1,750 fee for each additional location.

§2–304.

(a) There is a Class 3 beer and wine wholesaler's license.

(b) The license authorizes the license holder to:

(1) acquire beer and wine from:

(i) a license holder that is authorized to sell and deliver the beer and wine to a wholesaler; and

(ii) a holder of a nonresident dealer's permit or a resident dealer's permit that is authorized to sell and deliver beer and wine; and

(2) sell and deliver beer and wine from the licensed premises to:

(i) a license holder or permit holder in the State; and

(ii) an authorized person outside the State.

(c) The annual license fee is $1,500.

(d) The license holder may use an additional location for the warehousing, sale, and delivery of beer and wine:

(1) if approved by the Executive Director following submission of a separate application for each location; and

(2) on the payment of a $1,500 fee for each additional location.

§2–305.

(a) There is a Class 4 beer wholesaler's license.

(b) The license authorizes the license holder to:

(1) acquire beer from:

(i) a license holder that is authorized to sell and deliver beer to a wholesaler; and

(ii) a holder of a nonresident dealer's permit or a resident dealer's permit that is authorized to sell and deliver beer; and

(2) sell and deliver beer from the licensed premises to:

(i) a license holder or permit holder in the State; and

(ii) an authorized person outside the State.

(c) The annual license fee is $1,250.

(d) The license holder may use an additional location for the warehousing, sale, and delivery of beer:

(1) if approved by the Executive Director following submission of a separate application for each location; and

(2) on the payment of a $1,250 fee for each additional location.

§2–306.

(a) There is a Class 5 wine wholesaler's license.

(b) The license authorizes the license holder to:

(1) acquire wine from:

(i) a license holder that is authorized to sell and deliver wine to a wholesaler; and

(ii) a holder of a nonresident dealer's permit or a resident dealer's permit that is authorized to sell and deliver wine; and

(2) sell and deliver wine from the licensed premises to:

(i) a license holder or permit holder in the State; and

(ii) an authorized person outside the State.

(c) The annual license fee is $1,250.

(d) The license holder may use an additional location for the warehousing, sale, and delivery of wine:

(1) if approved by the Executive Director following submission of a separate application for each location; and

(2) on the payment of a $1,250 fee for each additional location.

§2–307.

(a) There is a Class 6 limited wine wholesaler's license.

(b) The license may be issued only to a wine manufacturer that:

(1) holds a Class 4 limited winery license; and

(2) produces not more than 35,000 gallons of its own wine annually.

(c) (1) The license authorizes the license holder to sell and deliver its own brand of wine produced at the license holder's premises to:

(i) a holder of a retail license that is authorized to acquire the wine; and

(ii) a holder of a permit that is authorized to acquire the wine.

(2) The license holder may sell its wine to a holder of a wholesaler's license.

(d) The annual license fee is $50.

(e) The license holder may use an additional location for the warehousing, sale, and delivery of wine:

(1) if approved by the Executive Director following submission of a separate application for each location; and

(2) on the payment of a $50 fee for each additional location.

§2–308.

(a) There is a Class 7 limited beer wholesaler's license.

(b) The license may be issued only to a person that:

(1) holds a Class 5 manufacturer's license, a Class 7 micro–brewery license, or a Class 8 farm brewery license; and

(2) produces in the aggregate from all of its locations not more than 45,000 barrels of beer annually.

(c) The license authorizes the license holder to:

(1) sell and deliver its own beer produced at the license holder's premises to:

(i) a holder of a retail license that is authorized to acquire beer from a wholesaler; and

(ii) a holder of a permit that is authorized to acquire beer from a wholesaler; and

(2) distribute not more than 5,000 barrels of its own beer annually.

(d) The annual license fee is $50.

(e) The license holder may use an additional location for the warehousing, sale, and delivery of beer:

(1) if approved by the Executive Director following submission of a separate application for each location; and

(2) on the payment of a $50 fee for each additional location.

§2–308.1.

(a) There is a Class 8 liquor wholesaler's license.

(b) The license may be issued only to a person that:

(1) holds a:

(i) Class 1 distillery license; or

(ii) Class 9 limited distillery license; and

(2) produces in the aggregate from all of its locations not more than 100,000 gallons of liquor annually.

(c) The license authorizes the license holder to:

(1) sell and deliver its own liquor produced at the license holder's premises to:

(i) a holder of a retail license that is authorized to acquire liquor from a wholesaler; and

(ii) a holder of a permit that is authorized to acquire liquor from a wholesaler; and

(2) distribute not more than 27,500 gallons of its own liquor annually.

(d) The annual license fee is $100.

(e) The license holder may use an additional location for the warehousing, sale, and delivery of liquor:

(1) if approved by the Executive Director following submission of a separate application for each location; and

(2) on the payment of a $100 fee for each additional location.

§2–309.

Subject to § 2–310 of this subtitle, the sale and delivery of beer or wine from a vehicle under the exclusive control of a holder of a wholesaler's license constitutes sale and delivery from the wholesaler's licensed premises if the beer or wine is:

(1) beer previously purchased by and delivered to the holder of the wholesaler's license; or

(2) wine or a wine–based beverage with an alcohol content of 6.5% or less by volume.

§2–310.

(a) This section does not apply to a holder of a nonresident winery permit.

(b) Before a holder of a wholesaler's license may sell and deliver alcoholic beverages acquired by the wholesaler to a holder of a retail license, the alcoholic beverages shall come to rest on the licensed premises of the wholesaler.

§2–311.

(a) The holder of a Class 1, Class 2, or Class 3 wholesaler's license may obtain more than one such license if separate records are kept.

(b) (1) The holder of a rectifying or winery license may apply for and obtain a wholesaler's license of any class for the same premises or elsewhere as provided under this article.

(2) The holder of a Class 4 limited winery license may apply for and obtain a Class 6 limited wine wholesaler's license for the same premises or elsewhere as provided under this article.

(3) (i) The holder of a Class 5 manufacturer's license or Class 7 micro–brewery license may apply for and obtain a Class 7 limited beer wholesaler's license in accordance with this paragraph.

(ii) A holder of a Class 5 manufacturer's license that was selling the holder's own beer at wholesale in the State as of January 1, 2013, may obtain a Class 7 limited beer wholesaler's license to continue to sell the holder's own beer at wholesale in the same location in an amount that is not more than 5,000 barrels annually.

(iii) A holder of a Class 5 manufacturer's license that produces in aggregate from all its locations not more than 45,000 barrels of beer annually may obtain a Class 7 limited beer wholesaler's license and distribute not more than 5,000 barrels of its own beer annually.

(iv) A holder of one or two Class 7 micro–brewery licenses that produces in aggregate from all of its locations not more than 45,000 barrels of beer annually may obtain a Class 7 limited beer wholesaler's license and distribute beer that:

1. totals annually not more than 5,000 barrels in aggregate from all of its locations; and

2. has been brewed at the location from where it is distributed.

(4) A holder of a Class 9 limited distillery license may apply for and obtain a Class 8 liquor wholesaler's license, for the same premises or elsewhere as provided under this article, and distribute its own liquor.

§2–312.

(a) Subject to subsection (b) of this section, a holder of a wholesaler's license may directly import alcoholic beverages of the type indicated on the license from outside the continental limits and possessions of the United States if the brand owner provides notice to the Executive Director of the license holder's jurisdiction and authority to sell the alcoholic beverages.

(b) A holder of a wholesaler's license that imports alcoholic beverages from outside the continental limits and possessions of the United States must:

(1) be the brand owner; or

(2) purchase the alcoholic beverages:

(i) directly from the brand owner or the authorized agent of the brand owner; or

(ii) from the authorized United States importer.

§2–313.

(a) Subject to subsection (b) of this section, a holder of a wholesaler's license may not sell or deliver alcoholic beverages to a person in the State that does not hold a license or permit under this article.

(b) This section does not prohibit a holder of a Class 4 limited winery license and a Class 6 limited wine wholesaler's license from also holding a Class A light wine license or a Class A wine license issued under Division II of this article.

§2–314.

(a) A holder of a wholesaler's license may not sell beer to a retail dealer on terms other than for cash on delivery.

(b) A suit or civil action to enforce or collect a claim for credit extended or enforce payment of a check given for payment in violation of this section may not be maintained in the State.

(c) A person that violates this section is subject to the penalties provided in § 6–402 of this article.

§2–315.

(a) (1) In this section the following words have the meanings indicated.

(2) "Advertisement" includes a graphic or nongraphic sign, display, poster, and placard.

(3) "Wholesaling entity" means:

(i) a holder of a wholesaler's license or a person connected with the business of the holder; or

(ii) a nonresident dealer or resident dealer of alcoholic beverages.

(b) (1) Except as provided in paragraph (2) of this subsection, a wholesaling entity may not have a financial interest in:

(i) the premises on or in which a license holder sells alcoholic beverages at retail; or

(ii) a business that a license holder conducts.

(2) A holder of a Class 6 limited wine wholesaler's license may have a financial interest in not more than one Class A licensed premises.

(3) A wholesaling entity may not lend money or any other thing of value, make a gift, or offer a gratuity to a retail dealer.

(4) A retail dealer may not accept, receive, or make use of money, a gift, or an advertisement provided by a wholesaling entity or become indebted to a wholesaling entity except for the purchase of alcoholic beverages and allied products purchased for resale.

(5) A wholesaling entity other than a wholesaler of beer and malt beverages may not provide an advertisement to a retail dealer.

(c) (1) This subsection applies only to brewed products.

(2) (i) Subject to subparagraph (iii) of this paragraph, a nonresident dealer, resident dealer, or beer wholesaler may not provide to a retail license holder an advertisement that:

1. is worth more than $150; and

2. advertises the beer or malt products of a particular brewer, nonresident dealer, resident dealer, or beer wholesaler.

(ii) An advertisement provided in accordance with this subsection shall contain brand information that is prominent, permanent, and equal to the life and value of the utilitarian character of the advertising item.

(iii) An advertisement that is manufactured by a beer wholesaler and provided to the holder of a retail license may not be worth more than $50 to the holder of the retail license where the advertisement advertises the beer or malt products of the beer wholesaler.

(d) (1) This subsection applies only to wine and liquor.

(2) An advertisement for use in windows or elsewhere on a retail liquor establishment may be given to a retailer by a brand owner who is engaged in the business of a manufacturing entity if:

(i) the utilitarian value is secondary and only incidental to the value as an advertisement;

(ii) the total value of an item provided by a brand owner for each of its individual brands for use in any one retail establishment at any one time is not more than $150 for each individual brand; and

(iii) the cost of installing these materials does not exceed the usual cost in the locality.

(3) (i) In lieu of premanufactured advertising material, materials and labor may be provided by a brand owner for the custom manufacture of an advertising display that:

1. is worth not more than $150;

2. is temporary; and

3. has no other utilitarian value.

(ii) A nonresident dealer, resident dealer, or brand owner may not undertake a plan that directly or indirectly results in the purchase of advertising materials, supplies, or services by a holder of a wholesaler's license or retail license holder.

(iii) A holder of a wholesaler's license or retail license holder may not participate directly or indirectly in a transaction in which the license holder pays for or shares the cost for any of the advertising materials, supplies, services, or mailing expenses used to promote a brand owner's products.

(iv) This subsection does not prevent a holder of a wholesaler's license from providing brand owners with display materials and installation services at charges computed at not less than the fair market value for these services.

§2–316.

(a) The purpose of this section is to eliminate the undue stimulation of the sale of alcoholic beverages and the practice of wholesalers granting secret discounts, rebates, allowances, free goods, or other inducements to selected license holders that contribute to a disorderly distribution of alcoholic beverages.

(b) (1) A licensed wholesaler, resident dealer, or nonresident winery permit holder may not discriminate directly or indirectly in price, discounts, or the quality of merchandise sold between:

(i) one dispensary and another dispensary;

(ii) one wholesaler and another wholesaler; or

(iii) one retailer and another retailer that purchases alcoholic beverages that bear the same brand and trade name, and are similar in age and quality.

(2) A nonresident dealer, resident dealer, nonresident winery permit holder, or nonresident unlicensed manufacturer may not use or promote the use of a practice prohibited under paragraph (1) of this subsection to sell or distribute alcoholic beverages to or through a licensed manufacturer, licensed wholesaler, or county dispensary.

(c) A supplier, nonresident dealer, resident dealer, nonresident winery permit holder, or wholesaler may not make a discount, rebate, or depletion allowance that is offered on a product dependent on the pricing policy or practice of the license holder who is invoiced for the product.

(d) (1) This section does not restrict a wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder from limiting the quantity of alcoholic beverages to be sold to a license holder under a voluntary or compulsory rationing plan.

(2) A wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder is not required to sell to all license holders from whom orders are received.

§2–317.

A holder of a wholesaler's license may not enter into an agreement with a retail dealer that limits the purchases or sales of the retail dealer to the products of any producer.

§2–401.

A license or permit is not required for a transport plane furnished with a cocktail lounge or a water vessel carrying passengers or cargo to a foreign port if:

(1) alcoholic beverages are purchased from a manufacturer or wholesaler; and

(2) satisfactory evidence is submitted in writing to the Executive Director that the alcoholic beverages are for sale or use beyond the continental limits and possessions of the United States.

§2–402.

(a) There is a Class E (water vessel) beer, wine, and liquor license issued by the Executive Director.

(b) (1) The license is required to be obtained for each water vessel on which beer, wine, or liquor is sold.

(2) The license is valid throughout the State.

(c) The license authorizes the owner or operator of a water vessel to sell beer, wine, or liquor for consumption on the vessel if the water vessel is used:

(1) for the transportation for hire of passengers from ports in the State to other ports in the State, coastal ports in other states, or foreign ports; or

(2) to operate tours within State waterways.

(d) The annual license fee is $150.

§2–403.

A license holder may not sell alcoholic beverages while the water vessel for which the license is issued is docked to a wharf or pier in a jurisdiction where local law prohibits the sale.

§2–404.

(a) In this section, "light wine" means wine that contains not more than 15.5% of alcohol by volume.

(b) There is a Class F (railroad) beer and light wine license issued by the Executive Director.

(c) The license is valid throughout the State.

(d) The license authorizes the owner or operator of a steam, diesel, or electric railroad in the State or a car on a line of the railroad that is a club, parlor, buffet, observation, sleeping, or dining car to sell beer and light wine in those cars, for consumption in those cars.

(e) The annual license fee is $60.

(f) (1) Other provisions of this article may not be construed as applying to or affecting the sale of alcoholic beverages under a Class F beer and light wine license.

(2) This section may not be considered repealed by a local or general law unless the law expressly refers to and repeals this section.

§2–405.

(a) There is a Class F (railroad) beer, wine, and liquor license issued by the Executive Director.

(b) The license is valid throughout the State.

(c) The license authorizes the owner or operator of a steam, a diesel, or an electric railroad in the State or a car on a line of the railroad that is a club, a parlor, a buffet, an observation, a sleeping, or a dining car to sell beer, wine, and liquor in those cars, for consumption in those cars.

(d) The license shall be kept in the chief operating office of the corporation in the State.

(e) The annual license fee is $200.

(f) (1) Other provisions of this article may not be construed as applying to or affecting the sale of alcoholic beverages under a Class F beer, wine, and liquor license.

(2) This section may not be considered repealed by a local or general law unless the law expressly refers to and repeals this section.

§2–406.

(a) There is a Class G (aircraft) beer, wine, and liquor license issued by the Executive Director.

(b) The license is valid throughout the State.

(c) The license authorizes the owner or operator of aircraft operated on regularly scheduled flights over any part of the State to sell beer, wine, and liquor in the aircraft for consumption in the aircraft.

(d) The annual license fee is $200.

(e) This section may not be considered repealed by a local or general law unless the law expressly refers to and repeals this section.

§2–407.

(a) (1) An applicant for a Class E, Class F, or Class G license shall submit to the Executive Director an application in the form that the Executive Director provides.

(2) An application shall be made under oath.

(b) Except as provided in subsection (c) of this section, the application shall be made on behalf of an entity that is a corporation, a limited liability company, or an incorporated or unincorporated club by three officers or employees residing in the State who are authorized by the entity to apply for the license.

(c) (1) If there are fewer than three officers, directors, or authorized individuals of the entity, all officers, directors, or authorized individuals shall make the application.

(2) A stockholder on behalf of a close corporation may make the application if:

(i) there are no officers or directors of the close corporation; and

(ii) there is an affirmative vote of the stockholders holding a majority of the stock.

(3) If three principal officers of an entity are applicants for a Class G license, no applicant need be a registered voter, taxpayer, or resident of the State.

(4) Except as provided in paragraph (5) of this subsection, if the application for a Class E or Class F license is made for the use of a limited liability company:

(i) the license shall be applied for and issued to three of the authorized individuals for the company, as individuals; and

(ii) at least one of the applicants:

1. shall be a registered voter and taxpayer of the State when the application is submitted; and

2. shall have resided in the State for at least 2 years before the application is submitted.

(5) In Baltimore City, an authorized individual of a limited liability company who holds a license for the use of the limited liability company that was granted on or before June 1, 2012, need not be a registered voter in Baltimore City.

(d) (1) An application shall contain:

(i) the name and address of the applicant;

(ii) the amount of time the applicant has resided in the State;

(iii) the name and address of the entity on whose behalf the license is sought;

(iv) the class of license sought;

(v) a statement that the applicant:

1. is a citizen of the United States;

2. is at least 21 years old;

3. has not been convicted of a felony;

4. has not had a license for the sale of alcoholic beverages revoked; and

5. if issued a license, will obey all laws relating to the business for which the license is sought;

(vi) a statement that the entity for which the license is sought:

1. consents to the issuance of the license; and

2. except as provided in paragraph (2) of this subsection, authorizes the Executive Director to inspect and search at any time, without warrant, the aircraft, railroad car, or water vessel to which the license applies;

(vii) the names and addresses of all of the officers of the entity; and

(viii) the signatures of the president or vice president of the entity, and the three officers to whom the license shall be issued.

(2) An inspection or a search conducted under paragraph (1)(vi)2 of this subsection may not be at a time or in a manner that delays or interferes with the movement of an aircraft, a train, or a water vessel.

§2–408.

(a) A Class E, Class F, or Class G license expires 10 days after the last remaining individual to whom the license is issued dies or is declared incompetent.

(b) (1) Before a license under subsection (a) of this section expires, the Executive Director shall issue a replacement license containing the privileges conferred by the original license if:

(i) the Executive Director receives from an individual on behalf of the license holder an application for the replacement license within 10 days after the last remaining individual dies or is declared incompetent; and

(ii) except as provided in paragraph (2) of this subsection, the application is accompanied by payment of a fee of $1.

(2) In Frederick County, a fee may not be charged for a new license.

(3) A replacement license expires at the end of the license year.

§2–501.

(a) There is a State caterer's license.

(b) The license may be issued as a general statewide or a limited statewide caterer's license.

§2–502.

(a) The Executive Director may issue a State caterer's license to a person that:

(1) is engaged in the business of catering;

(2) meets all State and local requirements for and holds all required licenses relating to the conduct of the catering business;

(3) holds any catering license that may be required under this article in the jurisdiction in which the person's principal place of business is located;

(4) (i) holds a retail license that may be annually renewed other than a Class C license; or

(ii) does not hold a license but has a permanent office and storage facility for alcoholic beverages in the State; and

(5) meets all other requirements of this subtitle.

(b) A licensed retail dealer that operates only in the jurisdiction under authority of the local licensing board need not acquire a State caterer's license.

§2–503.

(a) (1) A general statewide or limited statewide caterer's license authorizes the holder to:

(i) acquire alcoholic beverages:

1. if the holder operates under a retail license that may be annually renewed, through a holder of a wholesaler's license; or

2. except as provided in §§ 25–307, 29–306,32–306, 32–309(e), and 33–305 of this article, through a licensed retail dealer that has off–sale privileges;

(ii) serve alcoholic beverages at a catered event anywhere in the State to individuals who have attained the legal drinking age on premises that are unlicensed or for which a temporary license has been issued by the local licensing board; and

(iii) except as provided in § 2–504(b)(2) of this subtitle, store unused alcoholic beverages at the holder's principal place of business for use at other catered events.

(2) The holder may sell and serve alcoholic beverages during the hours and on the days that a holder of a Class B license may operate in the jurisdiction where the catered event is conducted.

(b) A general statewide caterer's license authorizes the holder to provide catering services in any jurisdiction in the State.

(c) A limited statewide caterer's license authorizes the holder to provide catering services in not more than three contiguous and designated jurisdictions in the State if the total population of the designated jurisdictions does not exceed 1,000,000, based on the most recent population records of the Maryland Department of Health.

§2–504.

(a) At each catered event at which alcoholic beverages are served, the holder of a general statewide or limited statewide caterer's license shall:

(1) supply service personnel, including bartenders and waiters;

(2) ensure that the service personnel are present at all times during the catered event;

(3) have at least one individual at the catered event who has been certified by an alcohol awareness program under § 4–505 of this article;

(4) ensure that the sale of food represents at least 70% of the total cost of the catered event; and

(5) return all unopened containers of alcoholic beverages to the holder's principal place of business at the end of the catered event.

(b) (1) The holder of a general statewide or limited statewide caterer's license may not:

(i) deliver alcoholic beverages to a catered event without service personnel present on the premises of the catered event; and

(ii) except when operating under an on–premises retail license that may be annually renewed issued by a local licensing board, serve alcoholic beverages at:

1. the holder's principal place of business; or

2. an event for which the holder is a sponsor or promoter.

(2) To ensure product integrity, a partially used keg of a malt beverage may not be used at another catered event.

§2–505.

(a) The annual fee for a general statewide caterer's license is $2,000.

(b) (1) The annual fees for a limited statewide caterer's license are:

(i) for designated jurisdictions that have a total population of not more than 300,000, $750;

(ii) for designated jurisdictions that have a total population of more than 300,000 but less than 600,000, $1,000; and

(iii) for designated jurisdictions that have a total population of at least 600,000, $1,500.

(2) The fee for a limited statewide caterer's license is based on the most recent population records of the designated jurisdictions in which the applicant

or limited statewide caterer's license holder provides catering services, as compiled by the Maryland Department of Health.

(c) (1) Subject to paragraph (2) of this subsection, an applicant for a general statewide or limited statewide caterer's license that holds a retail license that may be annually renewed and a special catering license or that is required to pay an additional fee to provide catering services in the applicant's jurisdiction is entitled to a credit against the license fee.

(2) The credit may be granted if:

(i) the credit does not exceed the additional catering fee required to be paid in the jurisdiction; and

(ii) after the credit is applied against the license fee, at least a $250 fee remains to be paid.

§2–506.

(a) A local licensing board may conduct an investigation at a catered event to enforce the prohibitions under §§ 6–304 and 6–307 of this article against selling or providing alcoholic beverages to individuals who have not attained the legal drinking age or are visibly under the influence of an alcoholic beverage.

(b) If a local licensing board determines that alcoholic beverages were unlawfully sold or provided at a catered event:

(1) the local licensing board shall report its findings to the Executive Director; and

(2) the Executive Director shall take the action the Executive Director determines is appropriate.

§3–101.

An application for a manufacturer's license, wholesaler's license, Class E (water vessel) license, Class F (railroad) license, Class G (airplane) license, or statewide caterer's license shall be filed with the Executive Director.

§3–102.

To be issued a manufacturer's license or a wholesaler's license, an individual applicant shall be a resident of the State at the time the application is filed.

§3–103.

An application for a license shall disclose the name and address of the business entity on whose behalf the application is made and the name and address of each individual applicant.

§3–104.

(a) (1) If an application for a license is made for the use of a partnership, the license shall be issued to three individuals.

(2) Each of the individuals shall qualify as:

(i) an individual general partner; or

(ii) if a general partner is a corporation, an officer of the corporation as an individual.

(b) (1) If a partnership has fewer than three general partners, the names of each general partner shall be on the license.

(2) Each of the three general partners or corporate officers shall:

(i) be a resident of the State at the time the application is filed; and

(ii) remain a resident of the State for the duration of time the license is in effect.

§3–105.

(a) This section applies to:

(1) a corporation; and

(2) a club, whether incorporated or unincorporated.

(b) (1) Except as provided in subsections (c) and (d) of this section, a license on behalf of a corporation or club shall be applied for and issued to three officers of the corporation or club as individuals.

(2) At least one of the three officers shall:

(i) be a resident of the State at the time the application is filed; and

(ii) remain a resident of the State for the duration of time the license is in effect.

(c) If a corporation has fewer than three officers or directors, all officers or directors shall apply for a license.

(d) In a close corporation, at least one individual stockholder may apply for a license if:

(1) the close corporation does not have officers or directors; and

(2) there is an affirmative vote of a majority of the stockholders.

(e) An application for a corporation or a club license shall include:

(1) the name and address of each officer;

(2) the name and address of the corporation or club; and

(3) the signatures of the president or vice president of the corporation or club and of the three officers to whom the license shall be issued.

§3–106.

(a) (1) A license for the use of a limited liability company shall be applied for and issued to, as individuals:

(i) all of the authorized individuals, if the limited liability company has fewer than three authorized individuals; or

(ii) three authorized individuals, if the limited liability company has three or more authorized individuals.

(2) At least one of the authorized individuals shall:

(i) be a resident of the State at the time the application is filed; and

(ii) remain a resident of the State for the duration of time the license is in effect.

(b) An application for a limited liability company license shall include:

(1) the name, address, and signature of each authorized individual to whom the license shall be issued; and

(2) the name and address of the limited liability company.

§3–107.

The Executive Director may retain from the license and permit fees that are collected an amount to pay for:

(1) the cost of refunds issued in accordance with § 3–108(b) of this subtitle; and

(2) the administrative expenses incurred by the Executive Director to discharge its duties under this article.

§3–108.

(a) Except as provided in subsection (b) of this section, a license holder is not entitled to a refund of the unearned portion of the license fee.

(b) A refund shall be issued to a license holder on surrender of the license if:

(1) receivership or bankruptcy of the business entity on whose behalf the license was issued occurs and a license transfer is not requested, with the refund issued for the benefit of the creditors of the license holder;

(2) the license holder dies, with the refund issued for the benefit of the estate of the deceased license holder;

(3) the license holder volunteers for or has been called into the armed forces of the United States or the organized State militia;

(4) the license holder surrenders a license and obtains a new license of another class carrying a higher fee, with the refund deducted from the higher fee;

(5) the license holder, against whom charges are pending when the license is renewed, is found guilty and the license is revoked, with the refund issued to the license holder in an amount based on the date that the revocation becomes final;

(6) the issuance of a license by the Executive Director is reversed on judicial review and the operation of the establishment is prohibited, with the refund issued to the license holder in an amount based on the date that the refusal to grant the renewal becomes final; or

(7) the licensed premises is taken by the federal government, the State, or a municipality for public use.

§3–109.

(a) This section does not apply to temporary or miscellaneous licenses.

(b) The fee for a license issued for less than 1 year is:

(1) the full annual license fee, if the license is issued during the first quarter of the license year;

(2) three–fourths of the annual license fee, if the license is issued during the second quarter of the license year;

(3) one–half of the annual license fee, if the license is issued during the third quarter of the license year; and

(4) one–fourth of the annual license fee, if the license is issued during the fourth quarter of the license year.

§3–201.

(a) The Executive Director shall issue each license that applies statewide.

(b) A license may not be issued to a partnership, corporation, or limited liability company but only to an individual authorized to act for a partnership, corporation, or limited liability company.

(c) A license holder shall assume all responsibilities as an individual and be subject to all penalties, conditions, and restrictions imposed on license holders under this article and the provisions of the Tax – General Article that relate to the alcoholic beverage tax.

§3–202.

(a) On receipt of an application, the Executive Director shall order an investigation of:

(1) the applicant;

(2) the business to be operated; and

(3) the statements presented in the license application.

(b) On completion of the investigation, the Executive Director shall deny the license application:

(1) if the Executive Director determines that the applicant:

(i) is not a fit person to receive the license;

(ii) made a material false statement in the application; or

(iii) acted fraudulently in connection with the application; or

(2) for other reasons that the Executive Director considers sufficient.

(c) If the Executive Director does not find cause to deny the license, the Executive Director shall approve the application and issue the license.

(d) (1) In addition to any license fee otherwise required under this article, an applicant for the initial issuance of a manufacturer's or wholesaler's license under Title 2, Subtitle 2 or 3 of this article shall pay to the Executive Director a nonrefundable application fee of $200.

(2) The application fee under this subsection does not apply to a license for which payment of an annual license fee is not otherwise required under this article.

§3–203.

(a) A statewide license shall be on the form that the Executive Director provides.

(b) The Executive Director shall number each statewide license.

§3–204.

Except as otherwise provided in this article, a license issued by the Executive Director shall be dated as of the date of issuance and shall expire on the next April 30 after its issuance.

§3–205.

A license issued by the Executive Director:

(1) is not property and does not confer property rights; and

(2) is subject to:

(i) suspension, revocation, and restrictions authorized by law; and

(ii) regulations authorized under this article.

§3–206.

(a) The Executive Director may issue a replacement license to a license holder whose license is lost or destroyed on receiving:

(1) an application under oath; and

(2) payment of a $1 fee.

(b) On the replacement license, the word "replacement" shall appear with all of the information that appeared on the original license.

§3–207.

(a) Except as provided in subsection (b) of this section:

(1) if a license is denied, another license application may not be considered from the same applicant or for the same location for 6 months after the denial; and

(2) if a subsequent application by the same applicant or for the same location is denied within a 2–year period immediately after the first denial, another application may not be considered from that applicant or for that location until the 2–year period expires.

(b) This section does not apply to:

(1) an applicant, if the license was denied because it was not necessary to accommodate the public or the location was not suitable for the sale of alcoholic beverages; or

(2) the location, if the license was denied because the Executive Director determined that the applicant was not a proper person to be issued the license.

§3–301.

(a) Subject to subsection (b) of this section, a license holder or a receiver or trustee for the benefit of creditors may:

(1) transfer the license holder's place of business to some other location; or

(2) transfer the license and the license holder's inventory to another person.

(b) A transfer under subsection (a) of this section may be made if:

(1) an application for the transfer has been made;

(2) all sales and use, amusement, admission, and withholding taxes have been paid to the Comptroller;

(3) a bulk transfer permit has been obtained if the inventory of alcoholic beverages is to be transferred:

(i) in any manner, including by sale, gift, inheritance, and assignment; and

(ii) regardless of whether consideration is paid; and

(4) the Executive Director approves the new location or license holder in the same way the Executive Director approves the issuance of a license.

(c) An applicant may apply for a transfer of location and a transfer of ownership in the same application.

§3–302.

The Executive Director may not allow the transfer of a license until the transferor has:

(1) complied with the Bulk Transfers Act under Title 6 of the Commercial Law Article; and

(2) provided to the Executive Director an affidavit that certifies compliance with the Bulk Transfers Act.

§3–303.

(a) An applicant shall pay to the Executive Director a fee of $20, in addition to the costs of publication and notice, when filing an application for the transfer of a license.

(b) The Executive Director shall endorse on the license the transfer of the license if the applicant has paid the fee required under subsection (a) of this section.

§3–304.

(a) For a license issued by the Executive Director for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

(1) has died;

(2) has retired; or

(3) no longer holds an office in the corporation or club.

(b) The license holder shall file with the Executive Director an affidavit that contains:

(1) the substitution of the officer;

(2) an explanation for the substitution; and

(3) in the case of a corporation, a statement that the ownership of the corporation has not changed.

(c) On receipt of the affidavit and after determining that the applicant qualifies under this article, the Executive Director shall:

(1) amend its records; and

(2) issue a corrected license.

§3–401.

(a) Subject to §§ 3–405 and 3–406 of this subtitle, a holder of an expiring license is entitled to an annual license renewal:

(1) on the approval of the license renewal application by the Executive Director;

(2) on payment of the annual license fee; and

(3) without filing or providing more information unless specifically requested by the Executive Director.

(b) Except as provided in §§ 3–406(a) and 3–407(c) of this subtitle, the Executive Director shall consider an application for license renewal in the same manner as for an original application.

(c) (1) In addition to any license fee otherwise required under this article, an applicant for renewal of a manufacturer's or wholesaler's license under Title 2, Subtitle 2 or 3 of this article shall pay to the Executive Director a renewal fee of $30.

(2) The renewal fee under this subsection does not apply to a license for which payment of an annual license fee is not otherwise required under this article.

§3–402.

To renew a license, the license holder annually shall file a written application, under oath, with the Executive Director.

§3–403.

An application to renew a license shall be filed between March 2 and April 1, inclusive.

§3–404.

(a) To be approved, a license renewal application shall:

(1) state whether the facts in the original application have changed and, if so, the manner in which the facts have changed; and

(2) be accompanied by a statement signed by the owner of the licensed premises consenting to:

(i) renewal of the license; and

(ii) search and seizure in the same manner as for an original application.

(b) The Executive Director may not require the consent statement under subsection (a)(2) of this section for a retail dealer applying for renewal if:

(1) the owner signed a comparable consent statement in connection with an original or previous license renewal application;

(2) the consent statement under item (1) of this subsection is in effect for the term of the owner's lease with the applicant; and

(3) the lease does not expire during the term of the license renewal.

§3–405.

(a) A protest against a license renewal may be made by at least 10 signatories who are:

(1) residents, commercial tenants who are not holders of or applicants for a license, or real estate owners; and

(2) located in the immediate vicinity of the licensed premises.

(b) (1) If a protest against renewing a license is filed at least 30 days before the license expires, the Executive Director may not approve the renewal without holding a hearing.

(2) The Executive Director shall hear and determine the protest in the same manner as the Executive Director hears and determines an original application.

§3–406.

(a) The Executive Director:

(1) may not renew a license if the Executive Director determines that the license holder is not qualified to obtain a license renewal; but

(2) shall issue to the license holder by way of renewal the class or type of license for which the Executive Director determines the license holder is qualified.

(b) (1) Subject to paragraph (2) of this subsection, the Executive Director shall deny a license renewal application if during the license year the license holder was convicted of a State or federal offense that, in the judgment of the Executive Director, renders the license holder unfit or unqualified to obtain a renewed license.

(2) The Executive Director:

(i) shall hold a public hearing before renewing a license under the circumstances described in paragraph (1) of this subsection; and

(ii) may inquire into all relevant facts and circumstances concerning the offense at the hearing.

§3–407.

(a) The Executive Director may issue renewed licenses for the following license year between April 15 and May 1, inclusive.

(b) All renewed licenses shall be dated May 1.

(c) If an expiring license is subject to an order of restriction or suspension, the Executive Director shall issue the corresponding license renewal subject to the same order.

§3–501.

A license holder may store or keep alcoholic beverages only:

(1) on the premises covered by the license; or

(2) at a public warehouse, a government–controlled warehouse, or an individual warehouse for which a permit has been issued under this article.

§3–502.

(a) A retail dealer may not employ a solicitor or salesperson outside the licensed premises to solicit orders for the sale of alcoholic beverages.

(b) The sale of alcoholic beverages may not occur outside the licensed premises.

(c) This section does not prohibit:

(1) receiving orders by mail, telephone, or messenger;

(2) the filling of orders by delivery; or

(3) the payment for orders at the place of delivery.

§3–503.

(a) An individual under the age of 18 years may not be engaged in the sale of alcoholic beverages.

(b) (1) Except as provided in paragraph (2) of this subsection, an individual between the ages of 18 and 21 years may be employed in the sale of beer and light wine.

(2) An individual under the age of 21 years may not be employed by a holder of a Class D beer, wine, and liquor license in the sale of alcoholic beverages.

(c) An individual at least 18 years old may be employed by a holder of a Class A license to operate a lottery ticket terminal.

§3–504.

(a) In this section, "alcohol awareness program" means a program that:

(1) includes instruction on how alcohol affects an individual's behavior and body;

(2) provides education on the dangers of drinking and driving; and

(3) defines effective methods to:

(i) determine whether a customer is under the legal drinking age;

(ii) serve customers to minimize the chance of intoxication; and

(iii) stop service before a customer becomes intoxicated.

(b) (1) This section applies to:

(i) a licensed premises that sells alcoholic beverages to a customer from a bar or service bar on the premises; and

(ii) a premises licensed to sell alcoholic beverages for off–premises consumption.

(2) This section does not apply to:

(i) a temporary license;

(ii) a Class E (on–sale) water vessel license;

(iii) a Class F (on–sale) railroad license; or

(iv) a Class G (on–sale) airplane license.

(c) The Executive Director:

(1) shall approve, certify, and issue an alcohol awareness program permit to each alcohol awareness program that complies with this section; and

(2) may require recertification of the approved alcohol awareness program to ensure compliance with changes in the program.

(d) Before an individual may teach an alcohol awareness program, the individual shall obtain an alcohol awareness instructor's permit.

(e) A holder of any retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program.

(f) (1) (i) For each completion of a certified alcohol awareness program, the alcohol awareness program provider shall issue a certificate of completion that is valid for 4 years from the date of issuance.

(ii) The holder or employee shall complete retraining in an approved alcohol awareness program for each successive 4–year period.

(iii) On request, a valid certificate shall be presented to the proper authority.

(2) Within 5 days after a license holder, an owner of an unlicensed establishment, or an employee of a license holder or owner of an unlicensed establishment is sent a certificate of completion, the alcohol awareness program provider shall inform the appropriate local licensing board of:

(i) the individual's name, address, and certification date; and

(ii) the name and address of the licensed establishment or unlicensed establishment.

(g) The Executive Director may decertify the alcohol awareness program of an alcohol awareness program provider who violates subsection (c), (d), or (f) of this section.

(h) (1) Each local licensing board shall enforce this section.

(2) A license holder who violates subsection (e) of this section is subject to:

(i) for the first offense, a $100 fine; and

(ii) for each subsequent offense, a fine not to exceed $500 or a suspension or revocation of the license or both.

(i) (1) This section does not create or enlarge a civil cause of action or criminal proceeding against a license holder.

(2) Evidence of a violation of this section:

(i) may only be used as evidence before the local licensing board in an action brought before the local licensing board for a violation of this section; and

(ii) may not be introduced in a civil or criminal proceeding.

§3–505.

(a) A license holder or an employee of the license holder may require an individual to sign a book that the license holder keeps if:

(1) the individual has shown documentary evidence that substantiates the individual's age to allow the purchase of alcoholic beverages; and

(2) the age of the individual remains in question.

(b) (1) The book authorized under subsection (a) of this section shall contain copies of the following form:

Date..... 20....

To Be Filled in by Seller

_____ x
_____ x

IDENTIFICATION (CHECK ALL SHOWN)

_____ x
Driver's License ..... □
Army I.D.
Card ..... □
Birth Certificate □ Coast Guard I.D. Card ..... □
Service
Discharge ..... □
Marine I.D.
Card ..... □
Draft Card □ Navy I.D. Card ..... □
Air Force I.D. Card ..... □
Other (Specify) x
_____ x
_____ x

DESCRIPTION OF PURCHASER

_____ x
Height.....
..... Weight
..... x
Color of Eyes Color of
Hair x
Outstanding Features..... x
..... x
..... x
..... x
..... x
Seller's Signature..... x
_____ x
_____ x

To Be Filled in by Prospective Purchaser

I declare I am of legal age to purchase fermented malt beverages or intoxicating liquor, and that I am subject to arrest and prosecution for misrepresenting my age.

Print full name..... x
Street address x
City .....
State x
Signature..... x

(2) The license holder or an employee of the license holder shall record all information required by each section of the form.

§3–506.

(a) This section does not apply to:

(1) the delivery of wine from a direct wine shipper to a consumer using a common carrier in accordance with Title 2, Subtitle 1, Part V of this article; or

(2) the holder of a common carrier permit in the course of delivering directly shipped wine in accordance with Title 2, Subtitle 1, Part V of this article.

(b) Retail delivery to a purchaser of alcoholic beverages is prohibited unless:

(1) a retail license holder obtains a letter of authorization from the local licensing board to make deliveries; and

(2) the delivery is made from the licensed premises by the retail license holder or an employee of the retail license holder.

§3–507.

(a) A license holder shall frame the license under glass and display the license conspicuously in the licensed premises.

(b) A Class F license shall be kept in the chief operating office of the corporation in the State.

§3–601.

The Executive Director may revoke or suspend a license or permit that the Executive Director issues in accordance with this subtitle.

§3–602.

(a) Revocation or suspension procedures may be started:

(1) by the Executive Director, at the Executive Director's initiative;

(2) on the complaint of a deputy or an inspector that the Executive Director employs to administer this article;

(3) on the complaint of a peace officer;

(4) if the license holder or permit holder is located in a municipality that is within a county, on the complaint of the mayor and council of the municipality; or

(5) on the written complaint of at least 10 residents, real estate owners, or voters of the precinct in which the licensed premises is located.

(b) Subject to subsection (c) of this section, a license holder or permit holder against whom proceedings under this section are brought shall:

(1) be entitled to a hearing on the charges in the complaint; and

(2) receive notice of the hearing at least 10 days before the hearing date.

(c) The Executive Director may immediately suspend a license or permit for a violation of record–keeping or reporting requirements under § 1–408 of this article.

§3–603.

(a) The Executive Director may revoke or suspend a license or permit:

(1) for any reason to promote the peace or safety of the community in which the premises are located; or

(2) for offenses as provided in this article.

(b) The Executive Director shall revoke a license or permit or, except as provided in § 3–606 of this subtitle, suspend a license or permit for:

(1) conviction of the license holder or permit holder for violation of this article or a provision of the Tax – General Article that relates to the alcoholic beverage tax;

(2) willful failure or refusal of the license holder or permit holder to comply with:

(i) this article or provisions of the Tax – General Article that relate to the alcoholic beverage tax; or

(ii) a regulation adopted under this article or under provisions of the Tax – General Article that relate to the alcoholic beverage tax;

(3) making a material false statement in an application for a license or permit;

(4) two or more convictions within 2 years of an agent or employee of a license holder or permit holder for on–premises violations of this article or provisions of the Tax – General Article that relate to the alcoholic beverage tax;

(5) on–premises possession by a retail dealer, other than a holder of a Class E, Class F, or Class G license, of an alcoholic beverage on which the tax imposed by § 5–102 of the Tax – General Article has not been paid;

(6) violation of § 2–216 or § 2–315 of this article;

(7) willful failure of a license holder or permit holder to:

(i) keep the records required under this article or under provisions of the Tax – General Article that relate to the alcoholic beverage tax; or

(ii) allow inspection of the records by an authorized person;

(8) on–premises possession of an alcoholic beverage that a license holder or permit holder, other than a holder of a Class E, Class F, or Class G license, is not licensed to sell;

(9) revocation or suspension of a permit issued to a license holder or permit holder by the federal Alcohol and Tobacco Tax and Trade Bureau or for conviction of violating a federal law relating to alcoholic beverages;

(10) failure to furnish bond as required by this article within 15 days after notice from the Comptroller; and

(11) violation of § 3–604 of this subtitle.

§3–604.

(a) (1) Except as provided in paragraph (2) of this subsection, the Executive Director shall revoke a license or permit if, after a hearing under § 3–602(b)

of this subtitle, an activity listed in this section is found to have occurred on the licensed premises.

(2) The license or permit of a person may not be revoked under paragraph (1) of this subsection if:

(i) the person operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances; and

(ii) the performances express matters of serious literary, artistic, scientific, or political value.

(b) An individual may not:

(1) be employed or used in the sale or service of alcoholic beverages in or on the licensed premises while the individual is unclothed or in attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;

(2) be employed or act as a hostess or act in a similar capacity to mingle with the patrons while the hostess or individual acting in a similar capacity is unclothed or in attire, costume, or clothing described in item (1) of this subsection;

(3) encourage or allow an individual on the licensed premises to caress or fondle the breasts, buttocks, anus, or genitals of another individual; or

(4) allow an employee or other individual to wear or use a device or covering exposed to view that simulates any portion of the breast, genitals, anus, or pubic hair.

(c) With respect to entertainment provided, a person may not:

(1) allow an individual to perform an act of or an act that simulates:

(i) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

(ii) the caressing or fondling of the breast, buttocks, anus, or genitals; or

(iii) the display of the pubic hair, anus, vulva, or genitals;

(2) subject to item (1) of this subsection, allow an entertainer whose breasts or buttocks are exposed to perform closer than 6 feet from the nearest patron; or

(3) allow an individual to use an artificial device or inanimate object to depict, perform, or simulate an activity prohibited under item (1) of this subsection.

(d) A person may not show a motion picture, a still picture, an electronic reproduction, or any other visual reproduction depicting:

(1) an act or a simulated act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

(2) an individual being caressed or fondled on the breast, buttocks, anus, or genitals;

(3) a scene in which an individual displays the vulva, anus, or genitals; or

(4) a scene in which an artificial device or inanimate object is used to depict, or a drawing is used to portray, a prohibited act described in this subsection.

(e) A person may not allow an individual to remain in or on the licensed premises who exposes to public view any portion of the individual's genitals or anus.

(f) This section does not allow any conduct or form of attire prohibited by any other statute, ordinance, rule, or regulation.

§3–605.

(a) After revoking a license or permit, the Executive Director:

(1) may not issue another license or permit to the person whose license or permit is revoked;

(2) may not issue any license or permit for the same premises for 6 months after the revocation; and

(3) may decide not to issue another license or permit for the same premises.

(b) If the license or permit was held on behalf of a corporation, a partnership, or an unincorporated association, another license or permit may not be

obtained on behalf of the corporation, partnership, or unincorporated association to sell alcoholic beverages on the same premises for 6 months after the revocation.

§3–606.

(a) Before the effective date of a suspension of a license or permit, the license holder or permit holder may make an offer of compromise consisting of money in lieu of serving the suspension.

(b) An offer of compromise may not exceed:

(1) $2,000 for retail license holders; and

(2) $50,000 for other license holders and permit holders.

(c) The Executive Director may accept the offer of compromise if:

(1) the public welfare and morals would not be impaired by allowing the license holder or permit holder to operate during the period set for the suspension; and

(2) the payment of the money will achieve the desired disciplinary purposes.

(d) Money in lieu of suspension shall be paid into the General Fund of the State.

§3–701.

(a) A license expires on the death of a license holder, subject to Subtitle 8 of this title.

(b) Except as otherwise provided in this subtitle, a license issued by the Executive Director expires on the 10th day after a license holder has vacated or been evicted from the licensed premises.

§3–702.

Section 3–701 of this subtitle does not apply if an application is pending or has been approved for:

(1) a transfer of a license to another location or another person, subject to Subtitle 3 of this title; or

(2) a certificate of permission, subject to § 3–802 of this title.

§3–703.

A license issued by the Executive Director for a premises acquired for public use shall expire 180 days after acquisition unless an application is pending or has been approved for:

(1) a transfer of the license to another location or another person, subject to Subtitle 3 of this title; or

(2) a certificate of permission or a renewal license for continuation of business, subject to § 3–802 of this title.

§3–704.

(a) The Executive Director may postpone the expiration of a license that the Executive Director issues for an additional period to avoid hardship.

(b) The additional period may not exceed 20 days.

§3–801.

Subject to § 3–802 of this subtitle and except as provided in § 2–408 of this article, a license expires when the license holder dies.

§3–802.

(a) Except as provided in § 2–408 of this article, on application to the Executive Director and payment of a fee of $1 by the personal representative or special administrator of the estate of a deceased license holder, the Executive Director may grant a certificate of permission for the continuation of the business in the name of the personal representative or special administrator for the benefit of the estate of the deceased license holder.

(b) (1) The certificate of permission may be granted for a period not exceeding 18 months after the date of the granted permission unless the license expires earlier.

(2) If the license expires earlier than 18 months after the date of the granted permission, the Executive Director may issue a renewal license on application by the personal representative or special administrator for a period not exceeding 18 months after the death of the license holder.

§3–803.

(a) The personal representative or special administrator to whom a certificate of permission has been granted may apply to the Executive Director for the transfer of the license for the benefit of the estate of the license holder.

(b) On approval of the application for transfer of the license and payment of the balance of any license fee due until the expiration of the license year, the license is reinstated.

§3–804.

(a) On payment of a pro rata license fee for the period of continuation, a certificate of permission and a renewal license are subject to the right of protest, revocation, suspension, and restriction.

(b) During the period of continuation, the renewal license and the personal representative or special administrator of the estate of the deceased license holder are subject to this article and the provisions of the Tax – General Article that relate to the alcoholic beverage tax.

§3–805.

The personal representative or special administrator of the deceased license holder may apply for and obtain any refund to which the deceased license holder would have been entitled if the license had been surrendered for cancellation on the date of the license holder's death if:

(1) the business of the license holder is not continued under § 3–802 of this subtitle; and

(2) the license is not transferred under § 3–803 of this subtitle.

§3–901.

A person aggrieved by a final decision of the Executive Director in a contested case under this title may seek judicial review in accordance with the Administrative Procedure Act.

§4–101.

Subject to Division II of this article, this subtitle applies statewide.

§4–102.

(a) Except as provided in subsection (b) of this section, an application for a license shall be filed with the local licensing board.

(b) If an application for a license is for a business that is located in more than one jurisdiction:

(1) the business shall be considered to be entirely in the jurisdiction where the major portion of the business is located; and

(2) the alcoholic beverage laws of the jurisdiction where the major portion of the business is located govern the licensing, regulation, and operation of the entire business.

(c) (1) If an application for a license is for a business that is located equally in more than one jurisdiction:

(i) the business shall be considered to be entirely in the jurisdiction in which the license fee is highest; and

(ii) the alcoholic beverage laws of the jurisdiction where the license fee is highest govern the licensing, regulation, and operation of the entire business.

(2) The local collecting agent that collects the license fee shall remit an equal portion of the fee to the local collecting agent in each jurisdiction where the business is located.

§4–103.

(a) An application for a license for the use of a partnership shall be made by and the license issued to all of the partners as individuals.

(b) Each of the partners shall:

(1) reside in the county or city where the business is located at the time the application is filed; and

(2) remain a resident of the county or city where the business is located for the duration of time the license is in effect.

(c) The application for a license shall state the name and address of the partnership and the name and address of each applicant.

§4–104.

(a) This section applies to:

(1) a corporation; and

(2) a club, whether incorporated or unincorporated.

(b) (1) Except as provided in subsections (c) and (d) of this section, a license on behalf of a corporation or club shall be applied for and issued to three officers of the corporation or club as individuals.

(2) At least one of the three officers shall:

(i) be a resident of the jurisdiction or municipality at the time the application is filed; and

(ii) remain a resident of the jurisdiction or municipality for the duration of time the license is in effect.

(c) If a corporation has fewer than three officers or directors, all officers or directors shall apply for a license.

(d) In a close corporation, at least one individual stockholder may apply for a license if:

(1) the close corporation does not have officers or directors; and

(2) there is an affirmative vote of a majority of the stockholders.

(e) An application for a corporation or a club license shall include:

(1) the name and address of each officer;

(2) the name and address of the corporation or club; and

(3) the signatures of the president or vice president of the corporation or club and of the three officers to whom the license shall be issued.

§4–105.

(a) (1) A license for the use of a limited liability company shall be applied for and issued to authorized persons of the limited liability company, as individuals.

(2) (i) All of the authorized individuals shall apply for the license, if the limited liability company has fewer than three authorized individuals.

(ii) Three authorized individuals shall apply for the license, if the limited liability company has three or more authorized individuals.

(3) At least one of the authorized individuals shall:

(i) be a resident of the jurisdiction or municipality at the time the application is filed; and

(ii) remain a resident of the jurisdiction or municipality for the duration of time the license is in effect.

(b) An application for a limited liability company license shall include:

(1) the name, address, and signature of each authorized individual to whom the license shall be issued; and

(2) the name and address of the limited liability company.

§4–106.

(a) An applicant for a license shall pay the expenses to provide:

(1) publication of the notice of application; and

(2) notice to the applicant and to persons that oppose the application.

(b) The applicant shall deposit money in advance with the local collecting agent to cover the expenses.

§4–107.

(a) A local licensing board may apply to the Central Repository for a State and national criminal history records check for each applicant for a license.

(b) As part of the application for a criminal history records check, a local licensing board shall submit to the Central Repository:

(1) two complete sets of the applicant's legible fingerprints taken on forms approved by the director of the Central Repository and the director of the Federal Bureau of Investigation;

(2) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and

(3) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant for a license and the local licensing board the applicant's criminal history record information.

(d) Information obtained by the local licensing board from the Central Repository under this section shall be:

(1) confidential and may not be redisseminated; and

(2) used only for the licensing purpose authorized by this section.

(e) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

(f) (1) When criminal history record information of an applicant or license holder is reported to the Central Repository after the initial criminal history records check is completed, the Central Repository shall provide the local licensing board with a revised printed statement of the criminal record of the applicant or license holder.

(2) If the local licensing board informs the Central Repository that an individual is no longer an applicant or a license holder, the Central Repository shall stop providing the local licensing board with revised printed statements of the criminal record of the individual.

§4–108.

An applicant shall file a sworn application for a license with the applicable local licensing board on the form that the Executive Director requires.

§4–109.

(a) A license application shall state:

(1) the class of license for which the applicant is applying;

(2) the name and address of the applicant and how long the applicant has resided at that address;

(3) that at least one applicant is a citizen of the United States;

(4) that the applicant is a resident of the jurisdiction in which the applicant proposes to operate under the license for which the applicant is applying;

(5) the age and sex of the applicant;

(6) the birth place of the applicant, and if the applicant is a naturalized citizen, the date and place the applicant was naturalized;

(7) a description of the place for which the license is sought, including:

(i) the street and number, if practicable, or other description that definitively locates the place; and

(ii) a description of the portion of the building in which the business will be conducted;

(8) the name of the owner of the location where the business to be licensed is to be conducted;

(9) that the applicant has never been convicted of a felony;

(10) whether the applicant has ever been found guilty of violating a law in the State governing the sale of alcoholic beverages or the prevention of gambling;

(11) that the applicant has a financial interest in the business to be conducted under the license;

(12) that the applicant has not had a license for the sale of alcoholic beverages revoked;

(13) that the applicant or a person on behalf of whom the application is filed does not have a financial interest in any other place of business in the jurisdiction for which an alcoholic beverages license has been applied for or issued;

(14) whether the applicant has been found guilty of violating a State or federal law;

(15) whether the applicant has held a license for the sale of alcoholic beverages and, if so, the name of the state and the location where the license was held;

(16) that during the term of the license, a person other than the applicant will not have a financial interest in the license or in the business to be conducted under the license;

(17) that a manufacturer, brewer, distiller, or wholesaler, directly or indirectly, does not have a financial interest in the premises or business of the applicant;

(18) that after receipt of a license, the applicant will not convey or grant an interest in the location or business to a manufacturer, brewer, distiller, or wholesaler, except as authorized under this article;

(19) that, except for the purchase of alcoholic beverages, when applying for the license, the applicant does not have indebtedness or other financial obligation to a manufacturer, brewer, distiller, or wholesaler;

(20) that after the license is issued, the applicant will not incur, directly or indirectly, indebtedness or other financial obligation other than for the purchase of alcoholic beverages to a manufacturer, brewer, distiller, or wholesaler; and

(21) that, if issued a license, the applicant will conform to all laws and regulations relating to the business in which the applicant proposes to engage.

(b) The application shall also include a statement executed and acknowledged by the owner of the location where the business is to be conducted that:

(1) agrees to the issuance of the license; and

(2) authorizes a warrantless inspection and search of the premises at any time in any part of the building in which the business is to be conducted by:

(i) the Comptroller;

(ii) the Executive Director;

(iii) the local licensing board and its authorized agents and employees; or

(iv) a peace officer of the county or municipality where the business is to be located.

§4–110.

The application shall also include a petition of support signed by at least 10 residents who are owners of real estate and registered voters of the precinct in which the business is to be conducted stating:

(1) the length of time each of the residents has been acquainted with the applicant or, if the applicant is a corporation, acquainted with the individuals making the application;

(2) that they have examined the application, have good reason to believe that the statements contained in the application are true, and in their judgment the applicant is a suitable person to obtain the license; and

(3) that they are familiar with the premises on which the proposed business is to be conducted and that they believe the premises are suitable for the conduct of business as a retail dealer.

§4–111.

The annual fee for all licenses shall be paid to the local collecting agent before the license is issued.

§4–112.

The local collecting agent shall remit all license fees collected under this article to:

(1) the board of county commissioners or the fiscal officer for the county; or

(2) the Annapolis City Council.

§4–113.

(a) Except as provided in subsection (b) of this section, a license holder is not entitled to a refund of the unearned portion of the license fee.

(b) A refund shall be issued to a license holder on surrender of the license if:

(1) receivership or bankruptcy of the business entity on whose behalf the license was issued occurs and a license transfer is not requested, with the refund issued for the benefit of the creditors of the license holder;

(2) the license holder dies, with the refund issued for the benefit of the estate of the deceased license holder;

(3) the license holder volunteers for or has been called into the armed forces of the United States or the organized State militia;

(4) the license holder surrenders a license and obtains a new license of another class carrying a higher fee, with the refund deducted from the higher fee;

(5) a license holder, against whom charges are pending when the license is renewed, is found guilty and the license is revoked, with the refund issued to the license holder in an amount based on the date that the revocation becomes final;

(6) the issuance of a license by a local licensing board is reversed on judicial review and the operation of the establishment is prohibited, with the refund issued to the license holder in an amount based on the date that the refusal to grant the renewal becomes final; or

(7) the licensed premises are taken by the federal government, the State, or a municipality for public use.

§4–114.

(a) This section does not apply to temporary licenses.

(b) The fee for a license issued for less than 1 year is:

(1) the full annual license fee, if the license is issued during the first quarter of the license year;

(2) three–fourths of the annual license fee, if the license is issued during the second quarter of the license year;

(3) one–half of the annual license fee, if the license is issued during the third quarter of the license year; and

(4) one–fourth of the annual license fee, if the license is issued during the fourth quarter of the license year.

§4–201.

Subject to Division II of this article, this subtitle applies statewide.

§4–202.

(a) A local licensing board is authorized to issue licenses in its jurisdiction.

(b) A license may not be issued to a partnership, corporation, or limited liability company but only to an individual authorized to act for a partnership, corporation, or limited liability company.

(c) A license holder shall assume all responsibilities as an individual and be subject to all penalties, conditions, and restrictions imposed on license holders under this article and the provisions of the Tax – General Article that relate to the alcoholic beverage tax.

(d) A local licensing board by regulation may:

(1) restrict, in accordance with a definite standard, the number of licenses that the local licensing board considers sufficient for a neighborhood;

(2) regulate the use of mechanical music boxes and other sound–making devices;

(3) divide a municipality or county into districts; and

(4) establish areas in which a license may not be issued.

(e) An applicant for a license or a license holder who is aggrieved by a regulation adopted under this section may seek judicial review as provided in Subtitle 9 of this title.

§4–203.

(a) Except as otherwise provided in Division II of this article, Title 3, Title 4, or Title 5 of this division, or subsection (b) of this section, more than one license may not be issued:

(1) to an individual; or

(2) for the use of a partnership, a corporation, an unincorporated association, or a limited liability company.

(b) (1) A single individual may hold Class B beer, wine, and liquor licenses or Class BLX or equivalent licenses issued by different local licensing boards only for restaurants, hotels, or motels.

(2) The number of licenses that a single individual may hold is limited only by the cap imposed by each local licensing board on the licenses that the local licensing board issues.

(3) The licenses may be issued for the use of:

(i) the license holder; or

(ii) a partnership, a corporation, an unincorporated association, or a limited liability company.

(c) Except as otherwise provided in Division II of this article or Title 3, Title 4, or Title 5 of this division, an individual may not be issued in the State more than one Class A, Class C, or Class D license for the use of:

(1) that individual; or

(2) a partnership, a corporation, an unincorporated association, or a limited liability company.

§4–204.

(a) Except as otherwise provided in Division II of this article and subsection (b) of this section, a local licensing board may not issue more than one license for use at the same premises.

(b) The prohibition in subsection (a) of this section does not apply to a license issued in accordance with §§ 4–1201 through 4–1205 of this title.

§4–205.

(a) This section does not apply to:

(1) an establishment that already holds a Class A, Class B, or Class D beer license, beer and wine license, or beer, wine, and liquor license; or

(2) a license holder that sells alcoholic beverages at discount prices.

(b) A local licensing board may not issue a Class A, Class B, or Class D beer license, beer and wine license, or beer, wine, and liquor license for use in conjunction with or on the premises of:

(1) a chain store;

(2) a supermarket; or

(3) a discount house.

§4–206.

(a) (1) In this section, "floor space" means the space devoted to the retail sale of alcoholic beverages for off–premises consumption that:

(i) for a license without on–premises consumption privileges, is within the four walls of the building from which the licensed business operates; or

(ii) for a license with on–premises consumption and off–premises consumption privileges, is used to sell, display, or store alcoholic beverages.

(2) "Floor space" includes:

(i) a basement in a licensed premises; and

(ii) any area off the licensed premises where the alcoholic beverages are lawfully stored.

(b) Except as provided in subsection (c) of this section:

(1) a local licensing board may not issue a license for use in an establishment in which more than 10,000 square feet of floor space is to be devoted to the sale of alcoholic beverages for off–premises consumption; and

(2) a food store issued a license on or before October 1, 1997, may not expand the floor space of its alcoholic beverages department beyond a total of 10,000 square feet, without regard to the total area available within the four walls of the business premises.

(c) (1) A local licensing board may issue a license for use in premises in which more than 10,000 square feet of floor space is devoted to the sale of alcoholic beverages for off–premises consumption, if the local licensing board:

(i) holds a public hearing;

(ii) determines that the issuance of the license:

1. would serve the public need; and

2. would not adversely impact existing retail license holders in the immediate vicinity of the premises, including those license holders that may be in a contiguous county or city; and

(iii) obtains from the Executive Director a written report in which the Executive Director determines that the issuance of the license:

1. would not adversely affect the orderly distribution of alcoholic beverages in the State; and

2. would comply with all applicable provisions of this article relating to the issuance of multiple licenses.

(2) If the Executive Director determines that an application submitted under this subsection does not meet the criteria provided under paragraph (1)(iii) of this subsection, the local licensing board may not issue the license.

(d) There is no presumption in favor of or which otherwise requires a local licensing board to approve a request by a license holder to expand the amount of space devoted to the retail sale of alcoholic beverages for off–premises consumption up to 10,000 square feet, unless the local licensing board finds that:

(1) the expansion is necessary to accommodate the public; and

(2) the license holder otherwise continues to meet the criteria for the issuance or transfer of a license and any other condition that the local licensing board imposes.

(e) This section does not prohibit the renewal or transfer of ownership or location of a license issued for use by an establishment that on or before October 1, 1997, had more than 10,000 square feet of floor space devoted to the sale of alcoholic beverages for off–premises consumption.

§4–207.

(a) A local licensing board may not issue a license to a minor without a special order granted by a judge.

(b) A judge may grant a special order for the local licensing board to issue a license to a minor only on the recommendation of at least 10 residents of the district in which the license will be operative.

(c) If a local licensing board issues a license to a minor, the minor:

(1) is responsible for each contract made in conducting business under the license; and

(2) may be sued under each contract in a State court.

(d) The responsibility of the minor does not affect the responsibility of the parent of the minor under State and local law.

§4–208.

(a) Before a local licensing board may approve an application for a license, the local licensing board shall publish notice of the application two times in 2 successive weeks:

(1) in two newspapers of general circulation in the jurisdiction; or

(2) if only one newspaper of general circulation exists in the jurisdiction, in that newspaper.

(b) The notice shall state:

(1) the name of the applicant;

(2) the type of license for which the application is made;

(3) the location described in the application; and

(4) the date, time, and place set by the local licensing board for a hearing on the application.

§4–209.

(a) The hearing on the application may not occur less than 7 days or more than 30 days after the date of the last publication of the notice of the license application.

(b) Any person may address any relevant issue at the hearing.

§4–210.

(a) Before deciding whether to approve an application and issue a license, a local licensing board shall consider:

(1) the public need and desire for the license;

(2) the number and location of existing license holders;

(3) the potential effect on existing license holders of the license for which application is made;

(4) the potential commonality or uniqueness of the services and products to be offered by the business of the applicant;

(5) the impact of the license for which application is made on the health, safety, and welfare of the community, including issues relating to crime, traffic, parking, or convenience; and

(6) any other factor that the local licensing board considers necessary.

(b) The local licensing board shall deny a license application:

(1) if the local licensing board determines that:

(i) the granting of the license is not necessary to accommodate the public;

(ii) the applicant is not a fit person to receive the license;

(iii) the applicant has made a material false statement in the application;

(iv) the applicant has acted fraudulently in connection with the application; or

(v) if the license is issued, the operation authorized by the license would unduly disturb the peace of the residents of the neighborhood of the location described in the application; or

(2) for other reasons that the local licensing board considers sufficient.

(c) Subject to subsection (a) of this section, if a local licensing board does not find grounds listed under subsection (b) of this section to deny a license application, the application shall be approved and the local licensing board shall issue the license for which application is made on payment of the fee required to the local collecting agent.

§4–211.

(a) A license issued by a local licensing board shall be on the form that the local licensing board provides.

(b) A local licensing board shall number each license.

(c) Except as otherwise provided in this article, a license issued by a local licensing board shall be dated as of the date of issue and shall expire on the next April 30 after its issuance.

§4–212.

A license issued by a local licensing board:

(1) is not property and does not confer property rights; and

(2) is subject to:

(i) suspension, revocation, and restrictions authorized by law; and

(ii) regulations authorized under this article.

§4–213.

(a) A local licensing board may issue a replacement license to a license holder whose license is lost or destroyed on receiving:

(1) an application under oath; and

(2) payment of a $1 fee.

(b) On the replacement license, the word "replacement" shall appear with all of the information that appeared on the original license.

§4–214.

(a) Except as provided in subsection (b) of this section:

(1) if a license is denied, another license application may not be considered from the same applicant or for the same location for 6 months after the denial; and

(2) if a subsequent application by the same applicant or for the same location is denied within a 2–year period immediately after the first denial, another application may not be considered from that applicant or for that location until the 2–year period expires.

(b) This section does not apply to:

(1) an applicant, if the license was denied because it was not necessary to accommodate the public or the location was not suitable for the sale of alcoholic beverages; or

(2) the location, if the license was denied because the local licensing board determined that the applicant was not a proper person to be issued the license.

§4–301.

Subject to Division II of this article, this subtitle applies statewide.

§4–302.

(a) Subject to subsection (b) of this section, a license holder or a receiver or trustee for the benefit of creditors, may:

(1) transfer the license holder's place of business to some other location; or

(2) transfer the license and the license holder's inventory to another person.

(b) A transfer under subsection (a) of this section may be made if:

(1) an application for the transfer has been made;

(2) all sales and use, amusement, admission, and withholding taxes have been paid to the Comptroller;

(3) a bulk transfer permit has been obtained if the inventory of alcoholic beverages is to be transferred:

(i) in any manner, including by sale, gift, inheritance, and assignment; and

(ii) regardless of whether consideration is paid; and

(4) the local licensing board approves the new location or license holder in the same way the local licensing board approves the issuance of a license.

(c) An applicant may apply for a transfer of location and transfer of ownership in the same application.

§4–303.

A Class A, Class B, or Class D beer license, beer and wine license, or beer, wine, and liquor license may not be transferred for use in conjunction with or on the premises of a chain store, supermarket, or discount house unless:

(1) the establishment already holds a Class A, Class B, or Class D beer license, beer and wine license, or beer, wine, and liquor license; or

(2) the license is transferred to a similar type of establishment.

§4–304.

A local licensing board may not allow the transfer of a license until the transferor has:

(1) complied with the Bulk Transfers Act under Title 6 of the Commercial Law Article; and

(2) provided to the local licensing board an affidavit that certifies compliance with the Bulk Transfers Act.

§4–305.

(a) An applicant shall pay to the local licensing board a fee of $20, in addition to the costs of publication and notice, when filing an application for the transfer of a license.

(b) The local licensing board shall endorse on a license the transfer of the license if the applicant has paid the fee required under subsection (a) of this section.

§4–306.

(a) For a license issued by a local licensing board for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

(1) has died;

(2) has retired; or

(3) no longer holds an office in the corporation or club.

(b) The license holder shall file with the local licensing board an affidavit that contains:

(1) the substitution of the officer;

(2) an explanation for the substitution; and

(3) in the case of a corporation, a statement that the ownership of the corporation has not changed.

(c) On receipt of the affidavit and after determining that the applicant qualifies under this article, the local licensing board shall:

(1) amend its records; and

(2) issue a corrected license.

§4–401.

Subject to Division II of this article, this subtitle applies statewide.

§4–402.

(a) Subject to §§ 4–406 and 4–407 of this subtitle, a holder of an expiring license is entitled to an annual license renewal:

(1) on the approval of the license renewal application by the local licensing board;

(2) on payment of the annual license fee; and

(3) without filing or providing more information unless specifically requested by the local licensing board.

(b) Except as provided in §§ 4–407(a) and 4–408(c) of this subtitle, a local licensing board shall consider an application for license renewal in the same manner as for an original application.

§4–403.

To renew a license other than a temporary license, the license holder annually shall file a written application, under oath, with the local licensing board.

§4–404.

An application to renew an annual license shall be filed between March 2 and April 1, inclusive.

§4–405.

(a) To be approved, a license renewal application shall:

(1) state whether the facts in the original application have changed and, if so, the manner in which the facts have changed; and

(2) be accompanied by a statement signed by the owner of the licensed premises consenting to:

(i) renewal of the license; and

(ii) search and seizure in the same manner as for an original application.

(b) A local licensing board may not require the consent statement under subsection (a)(2) of this section for a retail dealer applying for renewal if:

(1) the owner signed a comparable consent statement in connection with an original or previous license renewal application;

(2) the consent statement under item (1) of this subsection is in effect for the term of the owner's lease with the applicant; and

(3) the lease does not expire during the term of the license renewal.

§4–406.

(a) A protest against a license renewal may be made by:

(1) at least 10 signatories who are:

(i) residents, commercial tenants who are not holders of or applicants for a license, or real estate owners; and

(ii) located in the immediate vicinity of the licensed premises; or

(2) the local licensing board on its own initiative.

(b) (1) If a protest against renewing a license is filed at least 30 days before the license expires, the local licensing board may not approve the renewal without holding a hearing.

(2) The local licensing board shall hear and determine the protest in the same manner as it hears and determines an original application.

§4–407.

(a) A local licensing board:

(1) may not renew a license if the board determines that the license holder is not qualified to obtain a license renewal; but

(2) shall issue to the license holder by way of renewal the class or type of license for which the board determines the license holder is qualified.

(b) (1) Subject to paragraph (2) of this subsection, a local licensing board shall deny a license renewal application if during the license year the license holder was convicted of a State or federal offense that, in the judgment of the board, renders the license holder unfit or unqualified to obtain a renewed license.

(2) A local licensing board:

(i) shall hold a public hearing before renewing a license under the circumstances described in paragraph (1) of this subsection; and

(ii) may inquire into all relevant facts and circumstances concerning the offense at the hearing.

§4–408.

(a) A local licensing board may issue renewed licenses for the following license year between April 15 and May 1, inclusive.

(b) All renewed licenses shall be dated May 1.

(c) If an expiring license is subject to an order of restriction or suspension, the local licensing board shall issue the corresponding license renewal subject to the same order.

§4–409.

A person who holds multiple licenses may renew the licenses.

§4–410.

Notwithstanding § 4–205 of this title, a chain store, supermarket, or discount house that holds a Class A, Class B, or Class D beer license, beer and wine license, or beer, wine, and liquor license may renew the license.

§4–501.

Subject to Division II of this article, this subtitle applies statewide.

§4–502.

(a) This section does not apply to a person that:

(1) holds a festival license issued by a local licensing board; and

(2) has entered into an agreement authorized under Subtitle 13 of the various titles in Division II of this article that provides for the delivery of beer and wine before the effective date of the license and acceptance of returns after the expiration date of the license.

(b) A license holder may store or keep alcoholic beverages only:

(1) on the premises covered by the license; or

(2) at a public warehouse, government–controlled warehouse, or individual warehouse for which a permit has been issued under this article.

§4–503.

(a) A retail dealer may not employ a solicitor or salesperson outside of the licensed place of business to solicit orders for the sale of alcoholic beverages in the State.

(b) The sale of alcoholic beverages may not occur outside of the licensed premises.

(c) This section does not prohibit:

(1) receiving orders by mail, telephone, or messenger;

(2) the filling of orders by delivery; or

(3) the payment for orders at the place of delivery.

§4–504.

(a) An individual under the age of 18 years may not be engaged in the sale of alcoholic beverages.

(b) (1) Except as provided in paragraph (2) of this subsection, an individual between the ages of 18 and 21 years may be employed in the sale of beer and light wine.

(2) An individual under the age of 21 years may not be employed by a holder of a Class D beer, wine, and liquor license in the sale of alcoholic beverages.

(c) An individual at least 18 years old may be employed by a holder of a Class A license to operate a lottery ticket terminal.

§4–505.

(a) In this section, "alcohol awareness program" means a program that:

(1) includes instruction on how alcohol affects an individual's behavior and body;

(2) provides education on the dangers of drinking and driving; and

(3) defines effective methods to:

(i) determine whether a customer is under the legal drinking age;

(ii) serve customers to minimize the chance of intoxication; and

(iii) stop service before a customer becomes intoxicated.

(b) (1) This section applies to:

(i) a premises licensed to sell alcoholic beverages for on–premises consumption;

(ii) a premises licensed to sell alcoholic beverages for off–premises consumption; and

(iii) an unlicensed establishment in a jurisdiction that requires a worker, a supervisor, or an owner of an unlicensed establishment to receive alcohol awareness training.

(2) This section does not apply to:

(i) a temporary license;

(ii) a Class E (on–sale) water vessel license;

(iii) a Class F (on–sale) railroad license; or

(iv) a Class G (on–sale) airplane license.

(c) The Executive Director:

(1) shall approve, certify, and issue an alcohol awareness program permit to each alcohol awareness program that complies with this section; and

(2) may require recertification of the approved alcohol awareness program to ensure compliance with changes in the program.

(d) Before an individual may teach an alcohol awareness program, the individual shall obtain an alcohol awareness instructor's permit.

(e) A holder of any retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program.

(f) (1) (i) For each completion of a certified alcohol awareness program, the alcohol awareness program provider shall issue a certificate of completion that is valid for 4 years from the date of issuance.

(ii) The holder or employee shall complete retraining in an approved alcohol awareness program for each successive 4–year period.

(iii) On request, a valid certificate shall be presented to the proper authority.

(2) Within 5 days after a license holder, an owner of an unlicensed establishment, or an employee of a license holder or owner of an unlicensed establishment is sent a certificate of completion, the alcohol awareness program provider shall inform the appropriate local licensing board of:

(i) the individual's name, address, and certification date; and

(ii) the name and address of the licensed establishment or unlicensed establishment.

(g) The Executive Director may decertify the alcohol awareness program of an alcohol awareness program provider who violates subsection (c), (d), or (f) of this section.

(h) (1) Each local licensing board shall enforce this section.

(2) A license holder who violates subsection (e) of this section is subject to:

(i) for the first offense, a $100 fine; and

(ii) for each subsequent offense, a fine not to exceed $500 or a suspension or revocation of the license or both.

(i) (1) This section does not create or enlarge a civil cause of action or criminal proceeding against a license holder.

(2) Evidence of a violation of this section:

(i) may only be used as evidence before the local licensing board in an action brought before the local licensing board for a violation of this section; and

(ii) may not be introduced in a civil or criminal proceeding.

§4–506.

(a) A license holder or an employee of the license holder may require an individual to sign a book that the license holder keeps if:

(1) the individual has shown documentary evidence that substantiates the individual's age to allow the purchase of alcoholic beverages; and

(2) the age of the individual remains in question.

(b) (1) The book authorized under subsection (a) of this section shall contain copies of the following form:

Date..... 20....

To Be Filled in by Seller

_____

_____

IDENTIFICATION (CHECK ALL SHOWN)

DESCRIPTION OF PURCHASER

To Be Filled in by Prospective Purchaser

I declare I am of legal age to purchase fermented malt beverages or intoxicating liquor, and that I am subject to arrest and prosecution for misrepresenting my age.

(2) The license holder or an employee of the license holder shall record all information required by each section of the form.

_____

Driver's license …….. Army I.D. Card ……..
Birth Certificate ……... Coast Guard I.D. Card ……...
Service Dishcharge …….. Marine I.D. Card ……...
Draft Card …….. Navy I.D. Card ……...
Air Force I.D. Card ……..
Other (Specify) …….....

_____

_____

_____

Height ..... Weight .....
Color of Eyes ..... Color of Hair .....
Outstanding Features .....
.....
.....
.....
.....
Seller's Signature .....

_____

_____

Print full name .....
Street Address .....
City ..... State .....
Signature .....

§4–507.

(a) This section does not apply to:

(1) the delivery of wine from a direct wine shipper to a consumer using a common carrier in accordance with Title 2, Subtitle 1, Part V of this article; or

(2) the holder of a common carrier permit in the course of delivering directly shipped wine in accordance with Title 2, Subtitle 1, Part V of this article.

(b) Retail delivery to a purchaser of alcoholic beverages is prohibited unless:

(1) a retail license holder obtains a letter of authorization from the local licensing board to make deliveries; and

(2) the delivery is made from the licensed premises by:

(i) the retail license holder;

(ii) an employee of the retail license holder; or

(iii) a third–party contractor, an independent contractor, or an agent that:

1. holds a local delivery service permit issued under § 4–1107 of this title; and

2. has contracted with the retail license holder to make deliveries of alcoholic beverages.

§4–508.

A license holder shall frame the license under glass and display the license conspicuously in the licensed premises.

§4–601.

Subject to Division II of this article, this subtitle applies statewide.

§4–602.

A local licensing board may revoke or suspend a license in accordance with this subtitle.

§4–603.

(a) Revocation or suspension procedures may be started:

(1) by a local licensing board, at the local licensing board's initiative;

(2) on the complaint of a peace officer;

(3) if the license holder is located in a municipality that is within a county, on the complaint of the mayor and council of the municipality; or

(4) on the written complaint of at least 10 residents, real estate owners, or voters of the precinct in which the licensed premises are located.

(b) A license holder against whom proceedings under this section are brought shall:

(1) be entitled to a hearing on the charges in the complaint; and

(2) receive notice of the hearing at least 10 days before the hearing date.

§4–604.

(a) A local licensing board may revoke or suspend a license:

(1) for any reason to promote the peace or safety of the community in which the premises are located; or

(2) for offenses as provided in this article.

(b) A local licensing board shall revoke or suspend a license for:

(1) conviction of the license holder for violation of this article or a provision of the Tax – General Article that relates to the alcoholic beverage tax;

(2) willful failure or refusal of the license holder to comply with:

(i) this article or provisions of the Tax – General Article that relate to the alcoholic beverage tax; or

(ii) a regulation that may be adopted under this article or under provisions of the Tax – General Article that relate to the alcoholic beverage tax;

(3) making a material false statement in an application for a license;

(4) two or more convictions within 2 years of an agent or employee of a license holder for on–premises violations of this article or provisions of the Tax – General Article that relate to the alcoholic beverage tax;

(5) on–premises possession by a retail dealer of an alcoholic beverage on which the tax imposed by § 5–102 of the Tax – General Article has not been paid;

(6) violation of § 2–216 or § 2–315 of this article;

(7) willful failure of a license holder to:

(i) keep the records required under this article or under provisions of the Tax – General Article that relate to the alcoholic beverage tax; or

(ii) allow inspection of the records by an authorized person;

(8) on–premises possession of an alcoholic beverage that a license holder is not licensed to sell;

(9) revocation or suspension of a permit issued to a license holder by the federal Alcohol and Tobacco Tax and Trade Bureau or for conviction of violating a federal law relating to alcoholic beverages;

(10) failure to furnish bond as required by this article within 15 days after notice from the Comptroller; or

(11) violation of § 4–605 of this subtitle.

§4–605.

(a) (1) Except as provided in paragraph (2) of this subsection, a local licensing board shall revoke a license if, after a hearing under § 4–603(b) of this subtitle, an activity listed in this section is found to have occurred on the licensed premises.

(2) The license of a person may not be revoked under paragraph (1) of this subsection if:

(i) the person operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances; and

(ii) the performances express matters of serious literary, artistic, scientific, or political value.

(b) An individual may not:

(1) be employed or used in the sale or service of alcoholic beverages in or on the licensed premises while the individual is unclothed or in attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;

(2) be employed or act as a hostess or act in a similar capacity to mingle with the patrons while the hostess or individual acting in a similar capacity is unclothed or in attire, costume, or clothing described in item (1) of this subsection;

(3) encourage or allow an individual on the licensed premises to caress or fondle the breasts, buttocks, anus, or genitals of another individual; or

(4) allow an employee or other individual to wear or use a device or covering exposed to view that simulates any portion of the breast, genitals, anus, or pubic hair.

(c) With respect to entertainment provided, a person may not:

(1) allow an individual to perform an act of or act that simulates:

(i) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

(ii) the caressing or fondling of the breast, buttocks, anus, or genitals; or

(iii) the display of the pubic hair, anus, vulva, or genitals;

(2) subject to item (1) of this subsection, allow an entertainer whose breasts or buttocks are exposed to perform closer than 6 feet from the nearest patron; or

(3) allow an individual to use an artificial device or inanimate object to depict, perform, or simulate an activity prohibited under item (1) of this subsection.

(d) A person may not show a motion picture, a still picture, an electronic reproduction, or other visual reproduction depicting:

(1) an act or a simulated act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

(2) an individual being caressed or fondled on the breast, buttocks, anus, or genitals;

(3) a scene in which an individual displays the vulva, anus, or genitals; or

(4) a scene in which an artificial device or inanimate object is used to depict, or a drawing is used to portray, a prohibited act described in this subsection.

(e) A person may not allow an individual to remain in or on the licensed premises who exposes to public view any portion of the individual's genitals or anus.

(f) This section does not allow any conduct or form of attire prohibited by any other statute, ordinance, rule, or regulation.

§4–606.

(a) After revoking a license, a local licensing board:

(1) may not issue another license to the person whose license is revoked;

(2) may not issue any license for the same premises for 6 months after the revocation; and

(3) may decide not to issue another license for the same premises.

(b) If the license was held on behalf of a corporation, a partnership, or an unincorporated association, another license may not be obtained on behalf of the corporation, partnership, or unincorporated association to sell alcoholic beverages on the same premises for 6 months after the revocation.

§4–701.

Subject to Division II of this article, this subtitle applies statewide.

§4–702.

(a) A license expires on the death of the license holder, subject to Subtitle 8 of this title and Subtitle 23 of the various titles of Division II of this article.

(b) Except as otherwise provided in this subtitle, a license issued by a local licensing board expires on the 10th day after a license holder has vacated or been evicted from the licensed premises.

§4–703.

Section 4–702 of this subtitle does not apply if an application is pending or has been approved for:

(1) a transfer of a license to another location or another person, subject to Subtitle 3 of this title and Subtitle 17 of the various titles of Division II of this article; or

(2) a certificate of permission or a renewal license for continuation of business, subject to § 4–803 of this title and Subtitle 23 of the various titles of Division II of this article.

§4–704.

A license issued by a local licensing board for a premises acquired for public use shall expire 180 days after acquisition unless an application is pending or has been approved for:

(1) a transfer of the license to another location or another person, subject to Subtitle 3 of this title and Subtitle 17 of the various titles of Division II of this article; or

(2) a certificate of permission, subject to § 4–803 of this title and Subtitle 23 of the various titles of Division II of this article.

§4–705.

(a) A local licensing board may postpone the expiration of a license that the local licensing board issues for an additional period to avoid hardship.

(b) The additional period may not exceed 20 days.

§4–801.

Subject to Division II of this article, this subtitle applies statewide.

§4–802.

Subject to § 4–803 of this subtitle, a license expires when the license holder dies.

§4–803.

(a) On application to the local licensing board and payment of a fee of $1 by the personal representative or special administrator of the estate of a deceased license holder to the local collecting agent, the local licensing board may grant a certificate of permission for the continuation of the business in the name of the personal representative or special administrator for the benefit of the estate of the deceased license holder.

(b) (1) The certificate of permission may be granted for a period not exceeding 18 months after the date of the granted permission unless the license expires earlier.

(2) If the license expires earlier than 18 months after the date of the granted permission, the local licensing board may issue a renewal license on application by the personal representative or special administrator for a period not exceeding 18 months after the death of the license holder.

§4–804.

(a) The personal representative or special administrator to whom a certificate of permission has been granted may apply to the local licensing board for the transfer of the license for the benefit of the estate of the license holder.

(b) On approval of the application for transfer of the license and payment of the balance of any license fee due until the expiration of the license year, the license is reinstated.

§4–805.

(a) On payment of a pro rata license fee for the period of continuation, a certificate of permission and a renewal license are subject to the right of protest, revocation, suspension, and restriction.

(b) During the period of continuation, the renewal license and the personal representative or special administrator of the estate of the deceased license holder are subject to this article and the provisions of the Tax – General Article that relate to the alcoholic beverage tax.

§4–806.

The personal representative or special administrator of the deceased license holder may apply for and obtain any refund to which the deceased license holder would have been entitled if the license had been surrendered for cancellation on the date of the license holder's death if:

(1) the business of a license holder is not continued under § 4–803 of this subtitle; and

(2) the license is not transferred under § 4–804 of this subtitle.

§4–901.

Subject to Division II of this article, this subtitle applies statewide.

§4–902.

The following decisions of a local licensing board are subject to judicial review as provided in this subtitle:

(1) a limitation, restriction, or prohibition imposed on an aggrieved applicant for a license or aggrieved license holder; or

(2) an approval, a suspension, a revocation, or a restriction, or a refusal to approve, suspend, revoke, or restrict, a license or a license holder.

§4–903.

(a) The following persons may petition for judicial review of a decision of a local licensing board to the circuit court of the county where the local licensing board sits on payment of all costs incident to the hearing before the local licensing board:

(1) a holder of a license issued by the local licensing board;

(2) any applicant for a license; and

(3) a group of not fewer than 10 persons who are residents or real estate owners in the precinct or voting district where the licensed place of business is located or proposed to be located.

(b) To seek judicial review of a decision of a local licensing board under subsection (a) of this section, a license holder, an applicant for a license, or a group shall have:

(1) been aggrieved by the decision of the local licensing board; and

(2) appeared at the hearing of the local licensing board in person, by representation, or by submitting a written document that was introduced at the hearing.

§4–904.

When a petition is filed under this subtitle, a local licensing board may stay its order that is the subject of the petition until the final determination of the petition.

§4–905.

(a) On the hearing of a petition under this subtitle, the court shall presume that the action of the local licensing board was proper and best served the public interest.

(b) A petitioner has the burden of proof to show that the decision of the local licensing board being reviewed was:

(1) against the public interest; and

(2) (i) not honestly and fairly arrived at;

(ii) arbitrary;

(iii) procured by fraud;

(iv) unsupported by substantial evidence;

(v) unreasonable;

(vi) beyond the powers of the board; or

(vii) illegal.

(c) A review of a decision of a local licensing board under this subtitle shall be heard by the court without a jury.

(d) The court may hear additional testimony to the extent and in the manner that is necessary if, in the opinion of the court:

(1) it is impracticable to determine the question presented to the court without the hearing of additional evidence;

(2) a qualified litigant has been deprived of the opportunity to offer evidence; or

(3) the interests of justice require that further evidence should be taken.

§4–906.

In a petition for judicial review under this subtitle, a local licensing board may be represented by a qualified attorney designated by the local licensing board.

§4–907.

(a) (1) The court may affirm, modify, or reverse a decision of the local licensing board.

(2) If the court reverses a decision, the court shall file with the record a written statement of the reasons for the reversal.

(b) Costs for a judicial review under this subtitle shall be awarded as in other civil cases.

§4–908.

(a) Notwithstanding any other provision of law, a party of record to a review of a decision of a local licensing board to the circuit court may appeal the decision of the court:

(1) to the Appellate Court of Maryland; or

(2) by certiorari, to the Supreme Court of Maryland.

(b) The Appellate Court of Maryland or the Supreme Court of Maryland may not stay a decision by a local licensing board to impose sanctions on a license holder if:

(1) an appeal of the decision of the circuit court is made under this subtitle; and

(2) the decision of the circuit court affirmed the decision of the board.

§4–1001.

(a) There is a Class B–BWL (H–C) license.

(b) A local licensing board may issue the license to the management company of the conference center facility if the facility:

(1) is jointly owned, operated, or financed by the Maryland Stadium Authority and the political subdivision or an instrumentality of that political subdivision that is physically connected to a hotel; and

(2) provides food and beverage service to registered guests at the hotel.

(c) The license authorizes the license holder to sell beer, wine, and liquor for consumption on the premises of the facility and the adjacent hotel, including the rooms of registered guests.

(d) The license is exempt from restrictions against holding multiple licenses or having financial interests in multiple licenses.

(e) In a jurisdiction with a food–to–alcoholic beverages ratio requirement for a Class B (on–sale) hotel and restaurant license, the laws and regulations concerning the ratio requirement apply to the Class B–BWL (H–C) license.

(f) The annual license fee is $2,500.

§4–1101.

Subject to Division II of this article, this subtitle applies statewide.

§4–1102.

(a) (1) An individual in a restaurant, club, or hotel for which a Class B or Class C license allowing the sale of wine is issued may consume wine not purchased from or provided by the license holder only if:

(i) the wine is consumed with a meal during the hours of sale specified by the license;

(ii) the individual obtains the approval of the license holder;

(iii) the wine is not available for sale on the license holder's wine list; and

(iv) the license holder obtains a permit from the local licensing board before allowing an individual the privilege of consuming wine not purchased from or provided by the license holder.

(2) A license holder may not allow an individual who is under the age of 21 years or who is visibly under the influence of an alcoholic beverage the privilege of consuming the wine.

(b) (1) A local licensing board shall issue a permit at no charge to each license holder who seeks to allow an individual to consume wine under the conditions set out in subsection (a)(1) of this section.

(2) A license holder that obtains the permit may determine and charge the individual a fee for the privilege, on which a sales tax applicable to alcoholic beverages shall be imposed.

(c) (1) Except as provided in paragraph (2) of this subsection, the license holder shall dispose of the wine that remains after the meal is finished.

(2) An individual may remove from the licensed premises a bottle of wine, the contents of which are partially consumed with the meal, if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle.

(3) A bottle of wine that is removed from the licensed premises under paragraph (2) of this subsection is an "open container" for purposes of § 10–125 of the Criminal Law Article.

§4–1103.

(a) An individual who, at a licensed premises, purchases a meal and a bottle of wine, the contents of which are partially consumed with the meal, may remove the bottle and its contents from the licensed premises if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle.

(b) A bottle of wine that is removed from the licensed premises under subsection (a) of this section is an "open container" for purposes of § 10–125 of the Criminal Law Article.

§4–1104.

(a) There is a refillable container permit.

(b) A refillable container permit authorizes the permit holder to:

(1) sell draft beer for off–premises consumption in a refillable container that meets the standards set out in subsection (d) of this section; and

(2) sell and refill a refillable container that meets the standards set out in subsection (d) of this section.

(c) (1) The term of a refillable container permit is the same as that of the underlying license.

(2) The hours of sale for a refillable container permit are the same as those for the underlying license.

(3) An applicant who holds an underlying license without an off–sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.

(d) (1) To be used as a refillable container for beer under the authority of a refillable container permit, a container shall:

(i) have a capacity of not less than 32 ounces and not more than 128 ounces;

(ii) be sealable;

(iii) be branded with an identifying mark of the seller of the container;

(iv) bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(v) display instructions for cleaning the container; and

(vi) bear a label stating that:

1. cleaning the container is the responsibility of the consumer; and

2. the contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

(2) The Executive Director may adopt standards regarding containers that qualify for use as refillable containers for beer, including containers originating from outside the State.

(3) The holder of a refillable container permit may refill a refillable container originating from inside or outside the State that meets the standards adopted by the Executive Director under paragraph (2) of this subsection.

§4–1105.

(a) There is a refillable container permit.

(b) A refillable container permit authorizes the permit holder to:

(1) sell wine for off–premises consumption in a refillable container that meets the standards set out in subsection (d) of this section; and

(2) sell and refill a refillable container that meets the standards set out in subsection (d) of this section.

(c) (1) The term of a refillable container permit is the same as that of the underlying license.

(2) The hours of sale for a refillable container permit are the same as those for the underlying license.

(3) An applicant who holds an underlying license without an off–sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.

(d) (1) To be used as a refillable container for wine under the authority of a refillable container permit, a container shall:

(i) have a capacity of not less than 17 ounces and not more than 34 ounces;

(ii) be sealable;

(iii) be branded with an identifying mark of the seller of the container;

(iv) bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(v) display instructions for cleaning the container; and

(vi) bear a label stating that cleaning the container is the responsibility of the consumer.

(2) The Executive Director may adopt standards regarding containers that qualify for use as refillable containers for wine, including containers originating from outside the State.

(3) The holder of a refillable container permit may refill a refillable container originating from inside or outside the State that meets the standards adopted by the Executive Director under paragraph (2) of this subsection.

§4–1106.

(a) There is a nonrefillable container permit.

(b) A nonrefillable container permit authorizes the permit holder to sell draft beer for off–premises consumption by packaging the beer in a nonrefillable container that meets the standards set out in subsection (d) of this section.

(c) (1) The term of a nonrefillable container permit is the same as that of the underlying license.

(2) The hours of sale for a nonrefillable container permit are the same as those for the underlying license.

(3) An applicant who holds an underlying license without an off–sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.

(d) To be used as a nonrefillable container for draft beer under the authority of a nonrefillable container permit, a container shall:

(1) be constructed out of aluminum;

(2) be sealable;

(3) have a capacity of 32 ounces;

(4) be branded with the identifying marks of the seller of the container; and

(5) bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. § 16.21.

§4–1107.

(a) This section applies only in a jurisdiction where the local licensing board has adopted regulations to authorize the delivery of alcoholic beverages by a third–party contractor, an independent contractor, or an agent.

(b) A local licensing board may issue a local delivery service permit.

(c) The permit authorizes the holder to deliver alcoholic beverages from a retail license holder authorized to deliver alcoholic beverages under § 4–507 of this title to an individual in the jurisdiction where the retail license holder is located.

(d) A local licensing board may set by regulation:

(1) the application requirements for the local delivery service permit; and

(2) additional requirements for holders of the local delivery service permit who deliver alcoholic beverages on behalf of a retail license holder.

(e) (1) The local licensing board may charge a fee for the local delivery service permit.

(2) The annual fee for the local delivery service permit is $1,000.

(f) A local delivery service permit holder may:

(1) use the delivery service's employees or independent contractors who are at least 21 years old to deliver alcoholic beverages; and

(2) facilitate orders for the sale and delivery of alcoholic beverages by telephone, Internet, or other electronic means.

(g) The purchaser or receiver of alcoholic beverages under this section shall:

(1) be at least 21 years old; and

(2) provide valid identification as proof of age on receipt of the alcoholic beverages.

(h) Alcoholic beverages sold for off–premises delivery under this section shall be:

(1) provided in the manufacturer's original sealed container; and

(2) sold only during the hours the retail license holder is open for in–store purchases.

(i) An individual delivering alcoholic beverages under a local delivery service permit shall:

(1) be at least 21 years old; and

(2) have successfully completed an approved alcohol awareness program under § 4–505 of this title.

(j) A local delivery service permit holder may not deliver alcoholic beverages to:

(1) an individual who does not provide valid identification proving that the individual is at least 21 years old;

(2) another premises licensed to sell alcoholic beverages; or

(3) an individual located outside the jurisdiction where the retail license holder is located.

(k) A local delivery service permit holder is subject to the following penalties for violating this section:

(1) for a first violation, a fine of $1,000;

(2) for a second violation, a fine of $3,000 and a suspension of the local delivery service permit for 30 days;

(3) for a third violation, a fine of $6,000 and a suspension of the local delivery service permit for 60 days; and

(4) for any subsequent violation, revocation of the local delivery service permit.

(l) The holder of a local delivery service permit may not:

(1) sell alcoholic beverages; or

(2) store alcoholic beverages for delivery.

(m) (1) A person shall apply to the local licensing board for a local delivery service permit before contracting to deliver alcoholic beverages for a retail license holder.

(2) If a retail license holder contracts with a local delivery service permit holder to deliver alcoholic beverages, the retail license holder and the local delivery service permit holder shall establish a method to ensure that the retail license holder retains control over sales to and payments made from a purchaser for the alcoholic beverages.

(n) The Executive Director may adopt regulations to enforce this section.

§4–1201.

Subject to Division II of this article, this subtitle applies statewide.

§4–1202.

(a) A local licensing board may issue a per diem license for the periods and at the fees specified in this subtitle or by the local licensing board.

(b) An application for a per diem license shall be:

(1) on the form that the Executive Director requires; and

(2) signed and sworn to by the applicant.

(c) A per diem license may be issued only if the issuance of a regular license of the same class is authorized.

§4–1203.

(a) A Class C per diem beer license or a Class C per diem beer and wine license entitles the license holder to exercise any of the privileges conferred by the respective class of license:

(1) for the use of a person holding an entertainment event that is conducted by a club;

(2) at the place described in the license; and

(3) for a period not exceeding 7 consecutive days.

(b) (1) A holder of a wholesaler's license may enter into an agreement with the holder of a 1–day Class C per diem beer license or a 1–day Class C per diem beer and wine license to:

(i) deliver beer or wine allowed under the license starting 2 days before the effective date of the license; and

(ii) accept returns not more than 2 days after the expiration date of the license.

(2) Delivery of beer or wine ordered in accordance with an agreement made under paragraph (1) of this subsection may be made only if the holder of the 1–day per diem license possesses the license at the time of delivery.

§4–1204.

(a) A Class C per diem beer, wine, and liquor license entitles the license holder to exercise any of the privileges conferred by this class of license:

(1) for the use of a person holding an entertainment event that is conducted by a club;

(2) at the place described in the license; and

(3) for a period not exceeding 7 consecutive days.

(b) Alcoholic beverages sold under a Class C per diem beer, wine, and liquor license shall be purchased by the license holder from a retail dealer.

§4–1205.

(a) The fee for a Class C per diem beer license and a Class C per diem beer and wine license is $5 per day.

(b) The fee for a Class C per diem beer, wine, and liquor license is $15 per day.

§4–1206.

(a) A local licensing board may issue a license to dispose of stock for a period not exceeding 10 consecutive days.

(b) (1) A license holder may dispose of the license holder's stock of alcoholic beverages if:

(i) the license has been canceled, revoked, or suspended;

(ii) renewal has been denied by the local licensing board; or

(iii) a renewal license has been granted by the local licensing board and a court on judicial review has reversed the local licensing board's decision.

(2) A license holder that disposes of stock may sell the stock at retail or to a licensed wholesaler.

(3) A license does not authorize the license holder to purchase alcoholic beverages for resale.

(c) The fee for a license under this section is $5 per day.

§4–1207.

(a) When a licensed premises must be moved due to fire or other catastrophe, the local licensing board may issue a license to a holder to move the licensed premises from one location to another while the premises is being restored for:

(1) a period that the local licensing board determines; but

(2) not more than 6 months.

(b) The local licensing board:

(1) may approve the new location to which the license holder has temporarily moved; but

(2) may not charge a fee for the approval.

§4–1208.

For the exercise of the privileges of the license, a temporary license is a regular license of the corresponding class for determining the hours and days of operation.

§4–1209.

(a) A nonprofit organization may receive a wine permit for a fund–raising event by applying to the local licensing board for the jurisdiction in which the event is to be held.

(b) A permit authorizes the holder to:

(1) hold a fund–raising event on the federally bonded premises of a winery, provided the winery is operated under a Class 3 winery license or Class 4 limited winery license and holds a Class A light wine license; and

(2) purchase wine in sealed containers from the winery and sell the wine at the event in open containers at retail for consumption on the permit premises.

(c) The winery hosting the event shall cosign the permit.

(d) A winery may not host more than six events under this section per calendar year.

(e) The permit fee is $15.

§5–101.

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

(b) "Beer distributor" means a person that imports or causes to be imported into the State, or purchases or causes to be purchased in the State, beer for sale or resale to a retail dealer licensed under this article without regard to whether the

business of the person is conducted under a beer franchise agreement or another form of agreement with a beer manufacturer.

(c) "Beer franchise agreement" means:

(1) a commercial relationship between a beer distributor and beer manufacturer that:

(i) is of a definite or indefinite duration; and

(ii) is not required to be in writing;

(2) a relationship in which a beer manufacturer grants a beer distributor the right to offer and sell the brands of beer offered by the beer manufacturer;

(3) a relationship in which a beer distributor, as an independent business, constitutes a component of a beer manufacturer's distribution system;

(4) a relationship in which a beer distributor's business is substantially associated with a beer manufacturer's brand, advertising, or another commercial symbol that designates the beer manufacturer;

(5) a relationship in which a beer distributor's business relies substantially on a beer manufacturer for the continued supply of beer; or

(6) a written or oral arrangement of definite or indefinite duration in which:

(i) a beer manufacturer grants to a beer distributor the right to use a trade name, trademark, service mark, or related characteristic; and

(ii) there is a community of interest in the marketing of goods or services at wholesale or retail, by lease, or by another method.

(d) "Beer manufacturer" means:

(1) a brewer, fermenter, processor, bottler, or packager of beer located in or outside the State; or

(2) a person located in or outside the State that enters into a beer franchise agreement with a beer distributor doing business in the State.

(e) "Fair market value" means the price at which an asset would change hands between a willing seller and a willing buyer when:

(1) neither is acting under any compulsion; and

(2) both have knowledge of all of the relevant facts.

(f) "Franchisee" means:

(1) a beer distributor to whom a beer franchise agreement is granted or offered; or

(2) a beer distributor that is a party to a beer franchise agreement.

(g) "Franchisor" means a beer manufacturer that:

(1) enters into a beer franchise agreement with a beer distributor; or

(2) is a party to a beer franchise agreement.

(h) "Sales territory" means the area of sales responsibility designated by a beer franchise agreement for the brand or brands of beer of a beer manufacturer.

§5–102.

This subtitle applies to corporations, partnerships, trusts, agencies, and other entities and to persons who are officers, directors, and other individuals in active control of the activities of a corporation, a partnership, a trust, an agency, or any other entity.

§5–103.

(a) It is the policy of the State that:

(1) it is necessary to regulate and control beer franchise agreements and relationships between beer manufacturers and beer distributors:

(i) to foster and promote temperance in the consumption of beer; and

(ii) to promote respect for and obedience to the laws that control the distribution and sale of beer; and

(2) temperance and obedience to the laws that control the distribution and ultimate sale of beer is promoted by legislation that encourages beer distributors to make investments in their facilities to serve retail license holders by protecting them against the termination of beer distributorships, or other acts described in this subtitle, without good cause for the termination or other acts.

(b) It is necessary to accomplish this policy to eliminate the undue stimulation of sales of beer in the State by beer manufacturers that induce or coerce, or attempt to induce or coerce, beer distributors to act detrimentally to the orderly and lawful distribution of beer by:

(1) threatened or actual termination of the beer manufacturer and beer distributor relationship, directly or indirectly;

(2) the establishment of dual beer distributors of a brand or brands of beer in a sales territory presently served by a beer distributor; or

(3) the sale of the same brand or brands of beer in one sales territory by more than one franchisee.

(c) The General Assembly further recognizes the distinction between the nature of the distribution of beer and other alcoholic beverages in that distributors of alcoholic beverages other than beer are franchised by manufacturers to distribute many brands of various kinds of alcoholic beverages and are not as vulnerable to the economic pressures of the manufacturers as are beer distributors, which traditionally handle mainly one, two, or three brands of beer in their distributorships.

§5–104.

A beer manufacturer may not:

(1) induce or coerce, or attempt to induce or coerce, a beer distributor to accept delivery of an alcoholic beverage, any form of advertisement, or another commodity that the beer distributor did not order;

(2) induce or coerce, or attempt to induce or coerce, a beer distributor to do an illegal act or thing, or to do an act unfair to the beer distributor, by threatening to cancel, terminate, or refuse to renew a beer franchise agreement that exists between the beer manufacturer, or its representative, and the beer distributor; or

(3) fail or refuse to deliver to a beer distributor with a beer franchise agreement any beer that the beer manufacturer or its agents advertised publicly for

immediate sale promptly after the beer manufacturer received an order from the beer distributor.

§5–105.

If a franchisor designates a sales territory for which a franchisee is primarily responsible or in which a franchisee is required to concentrate its efforts, the franchisor may not enter into a beer franchise agreement with another beer distributor to establish an additional franchisee for its brand or brands of beer in that sales territory.

§5–106.

If a franchisee is granted a sales territory for which the franchisee is primarily responsible or in which the franchisee is required to concentrate its efforts, the franchisee may not sell or deliver beer to a retail dealer whose place of business is not within the sales territory granted to the franchisee.

§5–107.

(a) This section does not apply to a temporary delivery agreement under § 2–209(c) of this article for a beer festival or a wine and beer festival.

(b) (1) Except as provided in subsection (d) of this section, if a franchisor intends to terminate or refuses to renew a beer franchise agreement, the franchisor shall notify the franchisee in writing of its intent:

(i) at least 45 days before the termination or refusal to renew takes effect, for a franchisor that annually produces 20,000 or fewer barrels of beer in aggregate, in conjunction with any affiliate; and

(ii) at least 180 days before the termination or refusal to renew takes effect, for all other franchisors.

(2) The notices required by this section shall state all the reasons for the intended termination or nonrenewal.

(c) (1) If a deficiency is claimed in the notice provided under subsection (b)(1)(ii) of this section, the franchisee has 180 days to rectify the deficiency.

(2) If the franchisee rectifies the deficiency within 180 days after the notice provided under subsection (b)(1)(ii) of this section is received, the intended termination or nonrenewal of the beer franchise agreement is void.

(d) The notice requirement of subsection (b) of this section does not apply if the reason for the intended termination or nonrenewal is insolvency, the occurrence of an assignment for the benefit of creditors, or bankruptcy.

§5–108.

(a) This section does not apply to a temporary delivery agreement under § 2–209(c) of this article for a beer festival or a wine and beer festival.

(b) (1) (i) This paragraph does not apply to a franchisor that annually produces 20,000 or fewer barrels of beer in aggregate, in conjunction with any affiliate.

(ii) Notwithstanding the terms of a beer franchise agreement, a franchisor may not terminate or refuse to continue or renew a beer franchise agreement, or cause a franchisee to resign from a beer franchise agreement, without good cause.

(2) For purposes of paragraph (1) of this subsection, good cause includes the revocation of a franchisee's license to do business in the State.

§5–109.

(a) This section applies only to a franchisor that annually produces 20,000 or fewer barrels of beer in aggregate, in conjunction with any affiliate.

(b) (1) Subject to § 5–107 of this subtitle, and except as provided in subsection (d) of this section, before termination of or refusal to renew a beer franchise agreement, a franchisor shall enter into a termination agreement with the terminated franchisee.

(2) The termination agreement shall:

(i) compensate the terminated franchisee for the fair market value of the terminated franchise; and

(ii) provide for the repurchase of all the franchisor's beer at an amount equal to the laid–in cost of the franchisee's inventory of the franchisor's products that are in the warehouse or in transit to the franchisee.

(c) (1) If an agreement on the compensation authorized under subsection (b)(2)(i) of this section is not reached within 45 days after the franchisor provides the notice required by § 5–107(b)(1)(i) of this subtitle, the matter shall be submitted to binding arbitration for the purpose of determining the compensation.

(2) The binding arbitration shall:

(i) be administered under the rules of the commercial arbitration rules of the American Arbitration Association;

(ii) take place in the State;

(iii) be heard by one arbitrator who shall be appointed in accordance with the commercial arbitration rules; and

(iv) be limited to 45 days, unless otherwise agreed to by the parties.

(3) During the period of arbitration, the beer franchise agreement shall remain in effect and may terminate only on the decision of the arbitrator.

(4) The arbitrator shall be governed by the laws of the State, the Maryland Rules, and the commercial arbitration rules.

(5) In determining the fair market value of the terminated franchise, the arbitrator:

(i) may consider only the period before the franchisor provided the notice required by § 5–107(b)(1)(i) of this subtitle; and

(ii) may not consider any period following the providing of that notice.

(6) The ruling of the arbitrator shall be final and subject to enforcement in the courts of the State.

(7) The cost of the arbitration shall be shared equally by the parties.

(d) By written mutual agreement, the franchisor and the franchisee may determine another method of terminating the franchise agreement and providing compensation to the terminated franchisee.

(e) Until resolution regarding fair market value is reached under subsection (b) or (c) of this section and the terminated franchisee has received payment in accordance with the determination of fair market value:

(1) the franchisor and the terminated franchisee shall support the franchisor's products to at least the same extent that the products had been

previously supported immediately before the franchisor provided the notice required by § 5–107(b)(1)(i) of this subtitle; and

(2) the terminated franchisee shall continue to distribute the products.

§5–110.

(a) (1) A beer distributor or franchisee may bring an action in a court of general jurisdiction to recover damages against a beer manufacturer, franchisor, or franchisee for violation of this subtitle.

(2) If appropriate, the beer distributor or franchisee is entitled to injunctive relief.

(b) In an action for violation of this subtitle, the prevailing beer distributor or franchisee is entitled to the costs of the action including reasonable attorney's fees.

§5–201.

(a) (1) In this section the following words have the meanings indicated.

(2) "Agreement" means oral or written evidence between a beer manufacturer and a beer wholesaler granting the beer wholesaler the right to offer and sell the brands of beer offered by the beer manufacturer.

(3) "Beer manufacturer" means:

(i) a brewer, fermenter, processor, bottler, or packager of beer located in or outside the State; or

(ii) a person located in or outside the State that enters into an agreement with a beer wholesaler doing business in the State.

(4) "Fair market value" means the price at which an asset would change hands between a willing seller and a willing buyer when neither is acting under any compulsion and when both have knowledge of all of the relevant facts.

(5) "Successor beer manufacturer" includes a person or license holder who replaces a beer manufacturer with the right to sell, distribute, or import a brand of beer.

(b) Except for the discontinuance of a brand of beer or for good cause shown as provided under § 5–108 of this title, a successor beer manufacturer that continues

in the business is obligated under all the terms and conditions of the agreement made between the previous beer manufacturer and the existing beer wholesaler that were in effect on the date of change of beer manufacturers.

(c) A successor beer manufacturer that terminates any agreement provision required to be continued under subsection (b) of this section shall remunerate the beer wholesaler a sum equal to the fair market value for the sale of the subject brand or brands of beer calculated from the date of termination.

(d) (1) Before a successor beer manufacturer may terminate any agreement provision required to be continued under subsection (b) of this section and designate another beer wholesaler to replace the existing beer wholesaler, the successor beer manufacturer shall give notice of termination to the beer wholesaler to be replaced.

(2) On receipt of the notice, the beer wholesaler to be replaced and the designated beer wholesaler shall negotiate in good faith to determine the fair market value of the affected distribution rights.

(3) If an agreement is reached, the designated beer wholesaler promptly shall pay the fair market value as compensation to the beer wholesaler to be replaced.

(4) If an agreement is not reached within 30 days after the beer wholesaler to be replaced receives notice, the designated beer wholesaler and the beer wholesaler to be replaced shall enter into nonbinding mediation with a mediator in the State who practices in accordance with Title 17 of the Maryland Rules.

(5) If an agreement is not reached within 45 days after mediation begins, the beer wholesaler to be replaced shall within 90 days bring an action in a court of general jurisdiction against a successor beer manufacturer to determine and award fair market value of the terminated brand or brands.

(e) Until resolution regarding fair market value is reached under subsection (d) of this section and the beer wholesaler to be replaced has received payment in accordance with the determination of fair market value:

(1) the beer wholesaler to be replaced and the successor beer manufacturer shall support the brand to at least the same extent that the brand had been previously supported immediately before the successor beer manufacturer acquired rights to the brand; and

(2) the beer wholesaler to be replaced shall continue to distribute the brand.

§5–301.

(a) A person who supplies or sells beer to a wholesaler for resale to retail dealers shall provide to the wholesaler written information stating the approximate percentage of alcohol content by volume per sealed package or sealed container for each brand of beer supplied or sold to the wholesaler.

(b) A beer wholesaler shall provide to each beer retail dealer with whom it does business the written information it receives under subsection (a) of this section regarding the beer supplied to the retail dealer.

(c) The penalty provisions of § 6–402 of this article do not apply to a violation of this section.

§5–302.

A person may not be prohibited from selling or delivering to wholesalers or retail dealers within the State beer in the following container sizes:

(1) 6.33, 7, 8, 10, 11, 11.39, 11.5, 12, 16, 24, 25, 32, or 40 ounces;

(2) 740 milliliters;

(3) 1, 2.25, 3.875, 5.167, 7.75, 13.209, 13.5, 15, or 15.5 gallons; and

(4) 5, 50, or 51 liters.

§5–303.

(a) (1) In this section the following words have the meanings indicated.

(2) "Keg" means a container of beer with a capacity of at least 4 gallons, which is designed to dispense beer directly from the container.

(3) "Keg license holder" means a person who holds a license that authorizes the person to sell beer in kegs at retail.

(b) A keg license holder may not sell or otherwise transfer, or offer to sell or otherwise transfer, the contents of a keg for off–premises consumption unless:

(1) the keg license holder provides to the purchaser a keg registration form approved and distributed by the Executive Director that is designed to be affixed

to the keg and that indicates the name and address of the licensed establishment and a registration number;

(2) except as provided in § 26–103 of this article, the purchaser provides identification and completes and signs a registration form with the following information:

(i) the purchaser's name and address as shown on the identification produced; and

(ii) the date of purchase; and

(3) the keg license holder affixes the completed registration form to the keg and retains a copy of the form for 30 days on the licensed premises.

(c) (1) On return of a registered keg from the purchaser, the keg license holder shall remove or obliterate the keg registration form affixed to the keg and note the removal and the date of the removal on the copy of the keg registration form retained by the keg license holder at the licensed premises.

(2) (i) If a keg is made of disposable packaging that does not have to be returned to the keg license holder, the keg license holder shall indicate on the keg registration form that the keg is disposable.

(ii) Disposal of empty kegs made of disposable packaging does not constitute obliteration of the keg registration form.

(d) Each local licensing board shall adopt regulations to carry out this section.

(e) A keg license holder may charge a keg registration fee to a purchaser.

(f) (1) A keg license holder who violates this section is subject to a fine not exceeding $100 or a suspension or revocation of the license, or both a fine and suspension or revocation.

(2) The existence of a completed registration form signed by the purchaser creates a presumption that the keg license holder has complied with the requirements of this section.

§6–101.

(a) Alcoholic beverages and other contraband kept, possessed, used, sold, manufactured, stored, or transported in violation of this article:

(1) are subject to seizure and forfeiture; and

(2) when seized, may be recovered or disposed of only as provided in this subtitle.

(b) Property is forfeited if it:

(1) was seized as contraband in the possession or control of a defendant who is found guilty of violating this article; or

(2) is otherwise found to be contraband or in violation of this article.

(c) (1) Except as provided in paragraph (2) of this subsection, property is forfeited if it:

(i) is seized as contraband and remains unclaimed for 30 days after seizure; and

(ii) has not been destroyed in accordance with this subtitle.

(2) (i) A vehicle, a vessel, or an aircraft that is seized as contraband is forfeited unless a protest is filed within 30 days after the publication under subparagraph (ii) of this paragraph.

(ii) The Comptroller or the Executive Director, as appropriate:

1. if possible, shall notify the registered owner of the property of the seizure; and

2. shall publish a notice:

A. in a newspaper of general circulation in the county where the vehicle, vessel, or aircraft was seized; and

B. informing interested persons of the seizure and the right to file a protest.

§6–102.

Apparatus, materials, equipment, implements, devices, and other personal property designed, used, or intended to be used to violate a provision of this article relating to the unlawful manufacture of alcoholic beverages:

(1) are contraband; and

(2) may be seized and forfeited in accordance with this subtitle.

§6–103.

A vehicle, a vessel, or an aircraft used with the express or implied knowledge or consent of its owner to violate a provision of this article relating to the unlawful manufacture of alcoholic beverages or to transport, store, or hide unlawful alcoholic beverages:

(1) is contraband; and

(2) may be seized by:

(i) the Comptroller or the Comptroller's authorized enforcement officers; or

(ii) the Executive Director or the Executive Director's authorized enforcement officers; and

(3) may be forfeited in accordance with this subtitle.

§6–104.

A lienholder, or other person showing a legal right, title, or interest in seized property not destroyed in accordance with this subtitle, may file a protest with the Comptroller or the Executive Director, as appropriate:

(1) within 30 days after seizure of the property; or

(2) if the seized property is a vehicle, a vessel, or an aircraft, within 30 days after the publication of notice required under § 6–101(c) of this subtitle.

§6–105.

(a) When a protest is filed, the circuit court for the county in which the property was seized shall conduct an in rem proceeding to determine whether the property is subject to forfeiture.

(b) (1) If the court determines that the property is subject to forfeiture, the court shall determine whether any lienholder filing a timely protest had knowledge of the intended unlawful use.

(2) If the court determines that a lienholder had knowledge, the lienholder's right, title, and interest to the property is forfeited.

(3) If the court does not determine that a lienholder had knowledge, but the property is otherwise subject to forfeiture:

(i) the property shall be forfeited; and

(ii) the Comptroller or the Executive Director, as the Comptroller or Executive Director, as appropriate, considers in the best interest of the State, may:

1. pay the outstanding indebtedness secured by the lien and keep the property; or

2. deliver the property to the lienholder.

§6–106.

(a) Except as provided in subsections (b) and (c) of this section, property seized and forfeited under this subtitle or provisions of the Tax – General Article relating to the alcoholic beverage tax becomes the property of the county in which it was seized.

(b) Property seized by State officers and forfeited becomes State property.

(c) (1) Lawfully manufactured alcoholic beverages forfeited to a county in which there is a liquor control board that operates dispensaries:

(i) become the property of the liquor control board; and

(ii) shall be sold by the dispensaries of the liquor control board.

(2) Proceeds from the sales shall be treated in the same way as proceeds from ordinary sales made by the dispensaries.

§6–107.

(a) Except as provided in subsection (c) of this section, forfeited property shall be retained for official use, sold, or otherwise disposed of by:

(1) the Comptroller or the Executive Director, as appropriate, if the property was seized by State officers; or

(2) if the property was not seized by State officers:

(i) the Mayor and City Council of Baltimore City; or

(ii) the board of county commissioners or the county council of the county in which the property was seized.

(b) The Comptroller, the Executive Director, the Mayor and City Council of Baltimore City, or the board of county commissioners or county council in the county where the property was seized shall retain or dispose of the property in the way it considers to be in the best public interest.

(c) Illicit alcoholic beverages shall be destroyed and may not be returned or given to any person or disposed of in any other manner.

§6–108.

(a) An officer seizing the following items shall, only to the extent necessary, immediately make them unfit for unlawful use:

(1) an unlicensed distillery or unlawful distillery materials, equipment, or devices that are seized in a manner that renders them impractical or impossible to move to a safe place of custody and storage; and

(2) illicit alcoholic beverages other than those seized for evidence or forfeiture.

(b) The officer shall report the seizure and destruction conducted under this section to the Executive Director.

§6–201.

Subject to Division II of this article, this subtitle applies statewide.

§6–202.

(a) A building, vehicle, or premises where alcoholic beverages are authorized to be kept, transported, manufactured, or sold under a license or permit may be inspected and searched, without a warrant, by:

(1) the Comptroller or an authorized deputy, inspector, or clerk of the Comptroller;

(2) the Executive Director or an authorized deputy, inspector, clerk, or other designee of the Executive Director;

(3) the local licensing board of the county or city where the place of business is located or an authorized agent or employee of the local licensing board; and

(4) a peace officer of the county or city where the place of business is located.

(b) Evidence discovered during an inspection or search is admissible in a prosecution for the violation of a public general or public local law and in a hearing for the revocation, suspension, or restriction of the license or permit.

(c) (1) If the license holder or permit holder is found not guilty, alcoholic beverages taken as evidence shall be returned to the license holder or permit holder.

(2) If a license or permit holder is found guilty, alcoholic beverages taken as evidence shall be:

(i) sold to other license holders;

(ii) turned over to State institutions for medicinal use; or

(iii) destroyed.

(3) Proceeds from the sale of alcoholic beverages taken as evidence shall be credited to the General Fund of the State or jurisdiction, as appropriate.

§6–203.

To prevent and detect fraud by manufacturers, wholesalers, and retail dealers, the Executive Director, the local licensing board, and an authorized deputy or inspector of the Executive Director or the local licensing board:

(1) may use hydrometers, saccharometers, weighing and gauging instruments, or other means, records, or devices to ascertain the quantity or quality of alcohol in an alcoholic beverage as they consider necessary; and

(2) may adopt rules and regulations to establish a uniform system of inspection, marking, and gauging of alcoholic beverages.

§6–204.

(a) For a hearing or inquiry that the Executive Director or a local licensing board may hold or make, the Executive Director or a local licensing board may issue summonses for witnesses and administer oaths or affirmations to the witnesses.

(b) A summons shall be served by the sheriff.

(c) (1) The official issuing a summons may petition the circuit court if a witness summoned neglects or refuses to attend a hearing or inquiry for which the witness was summoned or refuses to testify.

(2) The court may proceed by attachment against the witness as if the witness had been summoned to appear in a case pending before the court and had neglected or refused to do so.

§6–205.

(a) The State's Attorneys, sheriffs, bailiffs, police, and other prosecuting and peace officers shall:

(1) enforce this article; and

(2) prosecute a person charged with violating this article.

(b) The powers and duties conferred on the Comptroller, the Commission, the Executive Director, or any other State official by this article do not relieve local officials from the duty of enforcement or prosecution.

(c) This section does not restrict the appropriation of funds by a political subdivision of the State to aid enforcement of this article.

§6–206.

(a) A charging document may charge an unlawful sale or disposition of an alcoholic beverage without stating the particular kind of alcoholic beverage.

(b) On application by the defendant before trial, the State's Attorney shall give to the defendant a statement of the particular kind of alcoholic beverage.

§6–207.

(a) In this section, "tetrahydrocannabinol" has the meaning stated in § 36–1102 of this article.

(b) In a prosecution for selling alcoholic beverages or tetrahydrocannabinol without an appropriate license, proof that the defendant displayed or offered alcoholic beverages or tetrahydrocannabinol for sale, or kept a place of business where alcoholic beverages or tetrahydrocannabinol were displayed or offered for sale, is prima facie evidence that the defendant sold alcoholic beverages or tetrahydrocannabinol.

§6–208.

The governing body of a municipality may adopt an ordinance or a resolution to regulate the possession or consumption of alcoholic beverages in a parking lot, common area, or general common element in:

(1) a leased residential property, including attached single–family homes or a multifamily dwelling unit;

(2) a condominium; or

(3) a homeowners association.

§6–209.

A local governmental entity that owns or otherwise has jurisdiction over public property may adopt by local law or ordinance standards providing for the authorization of the consumption of alcoholic beverages on public property, otherwise prohibited by this subtitle, and consistent with the intended use of the property by the public.

§6–210.

(a) A political subdivision of the State may not adopt an ordinance or a resolution identical to or in addition to § 6–320 of this title.

(b) An existing ordinance, resolution, or other legislation adopted by a political subdivision of the State that is inconsistent with § 6–320 of this title is repealed.

§6–211.

Each fine imposed or recognizance forfeited for a violation of this article is payable to the county where the offense was committed.

§6–301.

Subject to Division II of this article, this subtitle applies statewide.

§6–304.

A license holder or an employee of the license holder may not sell or provide alcoholic beverages to an individual under the age of 21 years.

§6–305.

A license holder or an employee of the license holder may accept as proof of an individual's age:

(1) if the individual is a resident of the State, the individual's driver's license or identification card as provided for in the Maryland Vehicle Law;

(2) a United States military identification card; or

(3) the individual's electronic credential issued by the Motor Vehicle Administration under Title 16, Subtitle 10 of the Transportation Article.

§6–306.

The establishment of the following facts by a seller of alcoholic beverages to an underage individual is prima facie evidence of innocence and a defense to a prosecution for serving alcoholic beverages to an underage individual:

(1) the purchaser falsely represented in writing and supported with other documentary evidence that the purchaser was of legal age to purchase alcoholic beverages;

(2) on the basis of the appearance of the purchaser, an ordinary and prudent individual would believe the purchaser to be of legal age to purchase alcoholic beverages; and

(3) the sale was made in good faith and in reliance on the written representation and appearance of the purchaser.

§6–307.

A license holder or an employee of the license holder may not sell or provide alcoholic beverages to an individual who, at the time of the sale or delivery, is visibly under the influence of an alcoholic beverage.

§6–308.

(a) This section does not apply to a Class 4 limited winery that brings wine or pomace brandy manufactured on its licensed premises onto a retail licensed premises if:

(1) the wine or pomace brandy is being provided for a promotional activity conducted by the limited winery, a retail license holder, an alcoholic beverages trade association, or a nonprofit organization;

(2) a representative of the limited winery or a trade association representing Maryland wineries is present at all times during the promotional activity;

(3) the limited winery or winery trade association complies with any regulations that the Executive Director adopts relating to on–premises promotions and product sampling;

(4) the limited winery or winery trade association has advance written permission of the retail license holder to bring wine products on the retail licensed premises for the promotional activity; and

(5) all unopened or partially consumed containers of wine and pomace brandy are removed from the retail licensed premises at the end of the promotional activity.

(b) A license holder may not allow an individual to consume on the licensed premises an alcoholic beverage that is:

(1) not purchased on the premises from the license holder; and

(2) not otherwise allowed by this article to be consumed on the premises.

§6–309.

(a) A license holder, a proprietor, or an operator of an establishment that provides alcoholic beverages may not allow on–premises consumption or possession of alcoholic beverages by an individual under the age of 21 years, regardless of who purchased or obtained the alcoholic beverages.

(b) In addition to any other penalty under this article, a license holder, a proprietor, or an operator who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§6–310.

(a) (1) Except as provided in paragraph (2) of this subsection, a license holder may not directly or indirectly give or offer without charge food to a customer to induce the customer to purchase alcoholic beverages for on–premises consumption.

(2) This section does not apply to hors d'oeuvres, pretzels, cheese, or crackers that are placed on a counter in the licensed premises for customers to consume without charge.

(b) The placement of food by a license holder in the licensed premises for customers to consume without charge is prima facie evidence of a violation of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $10 for each offense.

§6–311.

(a) This section does not apply to a holder of a Class E, Class F, or Class G license.

(b) A retail dealer may not:

(1) purchase any alcoholic beverage except from a licensed manufacturer or wholesaler, private bulk sale permit holder, or nonresident winery permit holder;

(2) sell any alcoholic beverage to any other retail dealer except the holder of a Class C per diem beer, beer and wine, or beer, wine, and liquor license; or

(3) keep or allow to be kept any alcoholic beverage on the licensed premises except those that have been purchased by the retail dealer.

§6–312.

(a) (1) A person may not manufacture, sell, or offer for sale, or order or allow an employee or other person to sell or offer for sale, a beverage as malt extract or beer unless the beverage has been brewed and fermented as such.

(2) A person may not sell or offer for sale, or order or allow an employee or other person to sell or offer for sale:

(i) beer to which coloring or porterine has been added so as to represent the beer to be malt extract, porter, or another beverage; or

(ii) a malt or liquor unless the malt or liquor is identified by its proper name.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

§6–313.

(a) (1) A retail dealer or an agent or employee of a retail dealer may not:

(i) tamper with or change the quantity or quality of the contents of a container of an alcoholic beverage:

1. after the container has been lawfully sealed; and

2. while the contents remain in the container; or

(ii) except as specifically authorized by this article with respect to refillable beer and wine containers, refill a container of an alcoholic beverage with a substance after the container has been emptied of its original contents.

(2) A retail dealer may not possess a container of an alcoholic beverage that has been tampered with or refilled in violation of paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§6–314.

(a) (1) Except as provided in paragraph (2) of this subsection, a person may not sell or offer for sale at retail an alcoholic beverage container that is:

(i) made from metal or a composite material; and

(ii) designed and constructed with an all–metal tab opening device that detaches from the container when the container is opened in a manner that is normally used to empty the contents of the container.

(2) Paragraph (1) of this subsection does not apply to:

(i) a beverage container sealed with a laminated tape seal, including one with aluminum foil, that is not rigid;

(ii) an all–metal container with a detachable metal pull tab for a frozen beverage concentrate that is customarily and primarily purchased for dilution and use in the home or a similar purpose; and

(iii) a metal beverage container with a detachable metal pull tab for a milk–based, soy–based, or similar product that requires sterilization and pressure in the canning process.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $100 or both.

§6–315.

(a) Except as provided in subsection (b) of this section, an alcoholic beverage is presumed to be an illicit alcoholic beverage if it is found in a container that does not have a regular label that:

(1) describes the true contents of the container; and

(2) states the true name of the importer, manufacturer, bottler, or rectifier.

(b) The presumption under subsection (a) of this section does not apply to an alcoholic beverage found in:

(1) a drinking glass or other similar open container for drinking purposes;

(2) a home–type decanter found in a house or a punch bowl or similar receptacle if the circumstances indicate that the alcoholic beverage is for on–premises consumption and is not for sale; or

(3) a container possessed by a retail license holder when the alcoholic beverage is premixed for lawful sale and consumption.

§6–316.

(a) A person may not sell at retail an alcoholic beverage with an alcohol content by volume of 95% (190 proof) or more.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

§6–317.

(a) A license holder or an employee of a license holder may not require, as a condition of sale of an alcoholic beverage for on–premises consumption, that an individual buy more than one bottle, container, or other serving of an alcoholic beverage at a time.

(b) The issuer of a license may revoke or suspend the license for a violation of this section.

(c) Instead of or in addition to suspending or revoking the license, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both for each offense.

§6–319.

(a) This section does not apply to a Class 4 limited winery that brings wine or pomace brandy manufactured on its licensed premises onto a retail licensed premises if:

(1) the wine or pomace brandy is provided for a promotional activity conducted by the limited winery, a retail license holder, an alcoholic beverages trade association, or a nonprofit organization;

(2) a representative of the limited winery or a trade association representing Maryland wineries is present at all times during the promotional activity;

(3) the limited winery or winery trade association complies with any regulations that the Executive Director adopts relating to on–premises promotions and product sampling;

(4) the limited winery or winery trade association has advance written permission of the retail license holder to bring wine products on the retail licensed premises for the promotional activity; and

(5) all unopened or partially consumed containers of wine and pomace brandy are removed from the retail licensed premises at the end of the promotional activity.

(b) An individual may not consume on the licensed premises of a license holder an alcoholic beverage that is:

(1) not purchased on the premises from the license holder; and

(2) not otherwise allowed by this article to be consumed on the premises.

§6–320.

(a) An individual may not:

(1) be intoxicated and endanger the safety of another individual or property; or

(2) be intoxicated or consume an alcoholic beverage in a public place and cause a public disturbance.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $100 or both.

§6–321.

(a) In this section, "public property" includes property that is:

(1) a structure, road, parking area, or grounds; and

(2) located on land owned, leased, or operated by:

(i) the State;

(ii) a county;

(iii) a municipality;

(iv) the Washington Suburban Sanitary Commission;

(v) the Maryland–National Capital Park and Planning Commission;

(vi) the Montgomery County Revenue Authority; or

(vii) the Washington Metropolitan Area Transit Authority.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, an individual may not consume an alcoholic beverage:

(i) on public property;

(ii) on the mall, adjacent parking area, or other outside area of a shopping center;

(iii) on an adjacent parking area or other outside area of any other retail establishment; and

(iv) in a parked vehicle located in an area described under item (i), (ii), or (iii) of this paragraph.

(2) An individual may consume an alcoholic beverage on:

(i) public property if authorized by the governmental entity that has authority over the property; or

(ii) private property described under paragraph (1)(ii) through (iv) of this subsection if authorized by the owner of the property.

(3) If the owner or operator of a motor home or chartered bus has consented to the consumption of the alcoholic beverages, paragraph (1) of this subsection does not apply to passengers:

(i) in the living quarters of a motor home equipped with a toilet and central heating; or

(ii) of a chartered bus in transit.

(c) (1) A violation of this section is a Code violation and a civil offense.

(2) A person who violates this section:

(i) shall be issued a citation under § 10–119 of the Criminal Law Article; and

(ii) is subject to a fine not exceeding $100.

§6–322.

(a) (1) Except as provided in paragraph (2) of this subsection, an individual may not possess an alcoholic beverage in an open container while:

(i) on the mall, adjacent parking area, or other outside area of a shopping center;

(ii) on an adjacent parking area or other outside area of any other retail establishment; or

(iii) in a parked vehicle located in an area described under item (i) or (ii) of this paragraph.

(2) An individual may possess an alcoholic beverage in an open container on private property described under paragraph (1) of this subsection if the individual is authorized by the owner of the establishment.

(b) (1) A violation of this section is a Code violation and a civil offense.

(2) A person who violates this section:

(i) shall be issued a citation under § 10–119 of the Criminal Law Article; and

(ii) is subject to a fine not exceeding $100.

§6–323.

(a) In this section, "AWOL machine" means an Alcohol Without Liquid device, a Vaportini, or any similar device that mixes an alcoholic product with pure oxygen or other gas to produce a vaporized product that can be inhaled.

(b) A person may not:

(1) use an AWOL machine to inhale alcohol vapor or otherwise introduce alcohol in any form into the human body; or

(2) with the intent to introduce alcohol into the human body, possess, purchase, transfer, or offer for sale or use an AWOL machine.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

(2) Each violation of this section is a separate offense.

§6–326.

(a) A person may not sell or offer for sale alcoholic beverages that are sold in powder or crystalline form for direct use or use in combination with water or any other substance.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

(2) Each violation of this section is a separate offense.

§6–327.

(a) (1) A person in the business of selling or distributing alcoholic beverages in or from another state may not ship, cause to be shipped, or deliver alcoholic beverages directly to a recipient in the State if the seller, distributor, shipper, transporter, or recipient does not hold the required license or permit.

(2) The prohibition under paragraph (1) of this subsection applies to alcoholic beverages ordered or purchased through a computer network.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§6–328.

(a) A person may not:

(1) knowingly or willfully possess, transport, sell, offer for sale, or, on the person's property, store or authorize storage of an alcoholic beverage on which the tax imposed by the Tax – General Article has not been paid;

(2) evade a tax imposed on an alcoholic beverage under the Tax – General Article;

(3) counterfeit a stamp or certificate required under this article or the Tax – General Article; or

(4) violate a regulation that the Comptroller or the Executive Director adopts under this article or the Tax – General Article.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

§6–329.

(a) (1) A person may not remove or destroy or cause to be removed or destroyed property that has been seized under:

(i) this article; or

(ii) the provisions of the Tax – General Article relating to the tax on alcoholic beverages.

(2) A person may not prevent or attempt to prevent the seizure of property by:

(i) pouring out the contents of the property;

(ii) breaking or destroying the property;

(iii) removing the property from the premises; or

(iv) otherwise disposing of the property.

(b) When a premises, place, or thing is being searched or about to be searched, any fluid poured out or otherwise disposed of by a person in violation of subsection (a) of this section is prima facie evidence that the fluid is an alcoholic beverage and intended for sale or other use in violation of this article or the Tax – General Article.

§6–330.

(a) A person may not make a false statement when taking an oath or in any of the following documents required under this article:

(1) a signed statement;

(2) a report; or

(3) an affidavit.

(b) A person who violates this section is guilty of the misdemeanor of perjury and on conviction is subject to the penalty stated under § 9–101 of the Criminal Law Article.

§6–401.

Subject to Division II of this article, this subtitle applies statewide.

§6–402.

(a) If a person violates this article and no penalty other than the suspension or revocation of a license or permit is provided, the person is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

(b) If a court has imposed a penalty on an individual license holder who has obtained a license for or on behalf of a corporation, a partnership, or an unincorporated association:

(1) if the penalty is a fine, the corporation, partnership, or unincorporated association also shall be liable for the payment of the fine; and

(2) if the penalty is imprisonment, the individual license holder shall be liable to serve the term of imprisonment.

§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 Allegany County.

(c) The Board shall determine whether an establishment meets the definition of a "club" under § 1–101 of this article.

(d) "County" means Allegany County.

(e) "Light wine" means wine that contains not more than 15.5% of alcohol by volume.

§9–102.

This title applies only in Allegany County.

§9–103.

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§9–201.

There is a Board of License Commissioners for Allegany County.

§9–202.

(a) (1) The Governor shall appoint three members to the Board.

(2) The appointments shall be made:

(i) if the Senate is in session, with the advice and consent of the Senate; or

(ii) if the Senate is not in session, by the Governor alone.

(b) (1) Each member of the Board shall be:

(i) a resident and voter of the county; and

(ii) an individual of high character and integrity and of recognized business capacity.

(2) Two members of the Board of License Commissioners shall be members of the political party that at the last preceding general election polled the highest number of votes in the aggregate for seats on the Board of County Commissioners.

(3) One member of the Board of License Commissioners shall be a member of the political party that at the last preceding general election polled the second highest number of votes in the aggregate for seats on the Board of County Commissioners.

(c) (1) The term of a member is 6 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(d) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the findings of the Governor on the charges.

§9–203.

In making the appointments, the Governor shall designate a chair from among the members of the Board.

§9–204.

(a) In accordance with Title 28, Subtitle 1 of the Local Government Article, the County Commissioners shall set the annual salary of the members of the Board.

(b) The Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees, subject to subsection (c)(3) of this section.

(c) (1) The chair of the Board shall submit to the Director of Finance of the county the total amount of the Board's budget, including:

(i) salaries for members and employees of the Board; and

(ii) all other necessary expenses.

(2) From the receipts collected by the Board, the County Commissioners shall pay:

(i) the salaries of the members and employees of the Board once every 2 weeks; and

(ii) the expenses of the Board on written approval of the chair of the Board.

(3) The salaries and expenses of the employees of the Board are subject to the approval of the County Commissioners.

§9–205.

(a) An inspector has all the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article.

(b) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

(c) (1) An inspector shall provide a penalty bond of $2,000 to the Board and the County Commissioners jointly on the condition that the inspector faithfully perform the duties of office.

(2) The county shall pay the cost of the bond.

§9–206.

The Board may adopt regulations to carry out this article.

§9–301.

There is no liquor control board or department of liquor control in the county.

§9–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–210 ("Class 8 farm brewery license");

(9) § 2–211 ("Residency requirement");

(10) § 2–212 ("Additional licenses");

(11) § 2–213 ("Additional fees");

(12) § 2–214 ("Sale or delivery restricted");

(13) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(14) § 2–216 ("Interaction between manufacturing entities and retailers");

(15) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2–208 ("Class 6 pub–brewery license") does not apply in the county.

(c) Section 2–209 ("Class 7 micro–brewery license") of Division I of this article applies in the county, subject to § 9–403 of this subtitle.

§9–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§9–403.

(a) This section applies to a Class 7 micro–brewery license in the county.

(b) A holder of the license:

(1) may brew a malt beverage in one location and contract for the bottling of the malt beverage in another location; and

(2) (i) shall meet the requirements for a restaurant for which a Class B beer, wine, and liquor license is sought; but

(ii) need not meet the requirements for a hotel or motel for which a Class B beer, wine, and liquor license is sought; and

(3) is not subject to the manufacturing and licensing prohibitions under § 2–209(e) of this article.

§9–501.

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

§9–502.

(a) Except as provided in subsection (b) of this section and § 9–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

(b) A holder of a beer wholesaler's license may deliver draft beer to a holder of a retail license on Sunday.

§9–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§9–504.

A holder of a beer wholesaler's license may not provide equipment to dispense draft beer at a rental price that is less than the fair market cost for the rental.

§9–505.

The holder of a Class 1 or Class 2 wholesaler's license may not sell liquor in a container smaller than 23 ounces or 680 milliliters to a holder of a per diem license issued under § 9–1307 of this title.

§9–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on:

(i) the premises where the beer was sold; or

(ii) any premises in which the license holder has a direct or indirect interest.

(c) The annual license fee is $125.

§9–602.

A Class B beer license may not be issued in the county.

§9–603.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on– and off–premises consumption.

(c) The annual license fee is $150.

§9–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is $200.

§9–701.

A light wine license may not be issued in the county.

§9–801.

(a) There is a Class A beer and light wine license.

(b) (1) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and light wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on:

(i) the premises where the beer or light wine is sold; or

(ii) a premises in which the license holder has a direct or indirect interest.

(c) The annual license fee is $150.

§9–802.

A Class B beer and light wine license may not be issued in the county.

§9–803.

(a) There is a Class B–MB (micro–brewery/restaurant) license.

(b) The Board may issue the license to a holder of a Class 7 micro–brewery license.

(c) The license authorizes the license holder to sell at retail:

(1) beer and light wine by the drink or bottle and liquor by the drink for on–premises consumption, including:

(i) in a banquet room or banquet facility that is on the licensed premises; and

(ii) on a patio that is part of the licensed premises as evidenced by lease documents or by agreement of the owner of the licensed premises; and

(2) beer and light wine by the bottle for off–premises consumption.

(d) The hours and days of sale are:

(1) for on–premises consumption:

(i) from Monday through Saturday, from 7 a.m. to 2 a.m. the following day; and

(ii) on Sunday, from 1 p.m. to 2 a.m. the following day; and

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

(e) The annual license fee is $900.

§9–804.

(a) There is a Class C beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The annual license fee is $150.

§9–805.

(a) There is a Class D beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $210.

§9–901.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises or on a premises in which the license holder has a direct or indirect interest.

(c) A license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is $650.

§9–902.

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

(b) The Board may issue the license to the owner of a hotel that:

(1) is in a building at least three stories tall that was originally constructed for hotel purposes;

(2) has a capital investment of at least $500,000; and

(3) contains:

(i) at least one passenger elevator;

(ii) at least 100 rooms for the accommodation of the public; and

(iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the drink for on–premises consumption.

(2) Subject to paragraph (3) of this subsection, the Board may issue the license for use by a restaurant:

(i) in a hotel or motel with at least 100 bedrooms for public accommodation; or

(ii) operated in conjunction with a Class 7 micro–brewery.

(3) To be licensed, a restaurant:

(i) shall be in a permanent building with ample space and accommodations for preparing, serving, and selling meals to the public during business hours;

(ii) shall derive at least 60% of its gross monthly revenue from the sale of food;

(iii) shall provide waiters to serve customers who are seated at tables for dining; and

(iv) may not be a fast–food style facility.

(d) The license is exempt from any license population quota limitation.

(e) The license may not be transferred to another location.

(f) The annual license fee is $800.

§9–902.1.

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

(b) The Board may issue the license for use by a restaurant that:

(1) is located in a permanent building with ample space and accommodations;

(2) commonly offers hot and cold meals that are prepared, sold, and served to the public during regular business hours;

(3) maintains a menu that advertises a variety of food that the establishment serves;

(4) serves food at all times whenever alcoholic beverages are being served or consumed; and

(5) has, on an annual basis, gross sales of food and nonalcoholic beverages that exceed its gross sales of alcoholic beverages.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(d) (1) (i) Once every licensing cycle, the license holder shall comply with a request from the Board to submit a Food Alcohol Ratio Report covering 2 preceding quarters that the Board selects to demonstrate compliance with the annual gross sales requirement under subsection (b)(5) of this section.

(ii) To enforce this paragraph, the Board may:

1. request a license holder to provide supporting data or additional information;

2. impose a fine on a license holder; or

3. suspend a license.

(2) A license holder or the license holder's accountant shall complete, sign, and provide for the notarization of the Food Alcohol Ratio Report.

(3) When submitting a Food Alcohol Ratio Report, the license holder shall include a current menu, information on hours of operation, and sales amounts

and percentages for food, nonalcoholic beverages, and alcoholic beverages for the time period requested.

(e) As a prerequisite for the renewal of the license, the license holder shall demonstrate compliance with the annual gross sales requirement under subsection (b)(5) of this section.

(f) The license holder may sell beer, wine, and liquor during the hours and days set out for a Class B–D beer, wine, and liquor license under § 9–2004 of this title.

(g) The annual license fee is $700.

§9–903.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at a club, at the place described in the license, for on– or off–premises consumption.

(c) The annual license fee is $500.

§9–904.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $700.

§9–905.

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

(b) The Board may issue the license to the holder of a manufacturer's license.

(c) The license authorizes the license holder, for on–premises consumption, to:

(1) sell beer, wine, and liquor produced by the holder or another holder of a manufacturer's license; and

(2) provide a sample of the beer, wine, or liquor that is authorized under item (1) of this subsection at no cost.

(d) The hours of sale for a Class L beer, wine, and liquor license are the same as those for the underlying manufacturer's license.

(e) The annual license fee is $250.

§9–1001.

(a) There is a Class B–BT (buffet theater) beer, light wine, and liquor license.

(b) The Board may issue the license for the use of an establishment that:

(1) is operated as a nonprofit professional theater;

(2) provides to the customers of the establishment live Broadway–style musicals, comedy, drama, live acoustic–style music, or feature films; and

(3) is open to the public by reservation.

(c) The Class B–BT license authorizes the license holder to sell at retail beer and light wine by the drink or by the bottle and liquor by the drink only for on–premises consumption and in conjunction with the buffet theater.

(d) (1) The license holder may sell beer and light wine for on–premises consumption beginning 2 hours before the performance, during the performance, and for 2 hours after the end of the performance on:

(i) Monday through Saturday; and

(ii) Sunday no earlier than 1 p.m.

(2) The license holder may not sell beer, wine, or liquor:

(i) for off–premises consumption by the drink or by the bottle; or

(ii) at any time except in conjunction with the buffet theater.

(e) The annual fee for the license is $350.

§9–1001.1.

(a) There is a Class B–TM (theater/museum) beer, wine, and liquor license.

(b) The Board may issue the license for the use of a theater/museum that has a ballroom with seating for a maximum of 300 individuals per event.

(c) The license authorizes the license holder to sell at retail beer, wine, and liquor for on–premises consumption and in conjunction with:

(1) a regular exhibit opening; or

(2) a fund–raising event for the benefit of the theater/museum.

(d) The license holder may sell beer, wine, and liquor for on–premises consumption on Sunday through Saturday beginning 2 hours before the exhibit opening or event, during the exhibit opening or event, and for 2 hours after the end of the exhibit opening or event.

(e) (1) A license on behalf of the theater/museum shall be applied for and issued to the president and two other officers of the theater/museum.

(2) At least two of the applicants shall be residents of the county.

(f) The annual fee for the license is $350.

§9–1001.2.

(a) There is a gift basket permit.

(b) (1) The Board may issue the permit to a person:

(i) whose primary business is the sale and delivery of:

1. flowers; or

2. gift baskets of flowers, food, or other items; and

(ii) who does not hold any other alcoholic beverages license or permit under this article.

(2) The Board may not issue the permit for use in conjunction with or on the premises of a chain store, supermarket, or discount house.

(c) A holder of the permit:

(1) may sell and deliver, to consumers of a legal drinking age located in the county, gift baskets containing:

(i) not more than 72 ounces of beer;

(ii) not more than 2.25 liters of wine; or

(iii) not more than 2.25 liters of liquor; and

(2) shall maintain records and submit reports as required by the Board.

(d) (1) Subject to paragraph (2) of this subsection, the permit holder or an employee of the permit holder shall:

(i) deliver the gift basket containing alcoholic beverages; and

(ii) require the person receiving a delivery of a gift basket containing alcoholic beverages to display proof that the person is at least 21 years old.

(2) An individual who delivers a gift basket containing alcoholic beverages shall be at least 21 years old.

(e) The holder's annual sales from alcoholic beverages may not exceed 10% of the holder's annual gross sales.

(f) The alcoholic beverages contained in a gift basket shall be purchased from a retail license holder.

(g) The Board shall adopt regulations to carry out this section.

(h) The fee for a gift basket permit is $100.

§9–1002.

(a) (1) In this section the following words have the meanings indicated.

(2) "Concessionaire" means a lessee, a sublessee, or any other operator of an establishment that:

(i) engages in the sale of beer, wine, and liquor by the drink or by the bottle on its premises for consumption anywhere in a video lottery facility; and

(ii) is operated as a concession independent of a Class BWL–VLF license.

(3) "Video lottery facility" means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(b) There is a Class BWL–VLC (video lottery concessionaire) beer, wine, and liquor license.

(c) The Board may issue the license to one or more concessionaires operating in a video lottery facility.

(d) (1) The license authorizes:

(i) the license holder to sell beer, wine, and liquor on the premises of the concessionaire for consumption:

1. anywhere in the video lottery facility; or

2. on grounds controlled by the Class BWL–VLF license holder, as defined in the Class BWL–VLF license;

(ii) the playing of music and dancing; and

(iii) the sale and providing of beer, wine, and liquor throughout the video lottery facility and grounds controlled by the Class BWL–VLF license holder during those days and hours that the video lottery facility is open for business.

(2) Beer, wine, and liquor purchased under a Class BWL–VLC license may be taken anywhere in the video lottery facility or on grounds controlled by the Class BWL–VLF license holder, as defined in the Class BWL–VLF license.

(e) The hours for the sale of alcoholic beverages under the license are the same as the hours of operation of a video lottery facility.

(f) (1) The annual license fee is $5,000.

(2) The fee shall be paid to the Board on or before May 1.

(g) A penalty or other sanction that is imposed for a violation of a regulation of the Board on the licensed premises of a holder of a Class BWL–VLC license shall apply to the concessionaire that the Board determines to be responsible for the violation.

§9–1003.

(a) In this section, "video lottery facility" means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(b) There is a Class BWL–VLF (video lottery facility) beer, wine, and liquor license.

(c) (1) The Board may issue the license to an individual or entity that owns a video lottery facility that contains at least one food service facility, bar, or lounge.

(2) The Board may not require an applicant for the license to meet any location, voting, or residency requirement.

(d) (1) The license authorizes:

(i) the license holder to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility for consumption:

1. anywhere in the video lottery facility; or

2. on grounds controlled by the license holder, as defined in the license;

(ii) the playing of music and dancing; and

(iii) the sale and providing of beer, wine, and liquor throughout the video lottery facility and grounds controlled by the license holder during the days and hours that the video lottery facility is open for business.

(2) Beer, wine, and liquor purchased under the license may be taken anywhere in the video lottery facility or on grounds controlled by the license holder, as defined in the license.

(e) The hours for the sale of alcoholic beverages under the license are the same as the hours of operation of a video lottery facility.

(f) (1) The annual license fee is $15,000.

(2) The fee shall be paid to the Board on or before May 1.

§9–1004.

(a) There is a Class C (volunteer company) beer, wine, and liquor license.

(b) The Board may issue the license for use by:

(1) a volunteer fire company;

(2) a volunteer ambulance company; or

(3) a combined volunteer fire and ambulance company.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises or off–premises consumption.

(d) A customer need not be a member of the company for which the license is issued or a member's guest.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 9–2004 of this title.

(f) The annual license fee is $500.

§9–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage – Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article do not apply in the county:

(1) § 4–1104 ("Refillable container permit – Draft beer"); and

(2) § 4–1105 ("Refillable container permit – Wine").

§9–1102.

(a) Subject to subsection (b) of this section, the Board may issue to a holder of a Class D beer or Class D beer and light wine license a permit that allows the sale of beer, wine, and liquor by the drink for on–premises consumption**.**

(b) The permit holder:

(1) may continue to sell beer or beer and light wine for on– or off–premises consumption; but

(2) may not:

(i) sell liquor for off–premises consumption; or

(ii) purchase or possess liquor on the premises in a container smaller than 23 ounces or 680 milliliters.

(c) Application for the permit may be made not less than 30 days before the day on which the permit is to take effect.

(d) (1) Not more than 50 permits may be in existence at any one time.

(2) A license holder who is issued a permit shall receive a pro rata credit for the unexpired part of the license held when the license holder is issued the permit.

(e) The annual permit fee is $500.

§9–1301.

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

(1) § 4–1206 ("License to dispose of stock");

(2) § 4–1207 ("Temporary move of licensed premises");

(3) § 4–1208 ("Hours and days of sale"); and

(4) § 4–1209 ("Wine permit for fund–raising event").

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

(1) § 4–1202 ("Per diem licenses"), which is superseded by § 9–1307 of this subtitle;

(2) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses"), which is superseded by § 9–1309 of this subtitle;

(3) § 4–1204 ("Class C per diem beer, wine, and liquor license"), which is superseded by § 9–1309 of this subtitle; and

(4) § 4–1205 ("License fees"), which is superseded by § 9–1308 of this subtitle.

§9–1304.

(a) There is a Class D (on–sale) beer and wine Arts and Entertainment District license.

(b) The Board may issue the license to a for–profit festival promoter.

(c) (1) The license authorizes the holder to exercise any of the privileges conferred by the license at an entertainment event that is held in an arts and entertainment district in the county.

(2) During the event for which the license is issued, an individual, within the approved event area in the arts and entertainment district and with a designated container unique to the event, may:

(i) purchase beer or wine from the license holder, or purchase beer or wine from, and consume on the premises of, any other license holder with on–sale privileges within the approved event area;

(ii) transport the beer or wine in the designated container to the premises of another license holder with on–sale privileges within the approved event area; and

(iii) consume the beer or wine within the approved event area, including the premises of any license holder with on–sale privileges.

(d) (1) An applicant for the license shall submit an application under oath on the form that the Board provides.

(2) Subtitles 14 and 15 of this title do not apply to an applicant for the license.

(e) (1) The license holder:

(i) at the entertainment event for which the license is issued shall distribute a wristband to each individual who is at least 21 years old; and

(ii) may not serve beer or wine to an individual who does not wear a wristband.

(2) A person who violates this subsection is subject to:

(i) for a first offense, a fine of $250; and

(ii) for a second offense, a fine not exceeding $1,000 and denial of further applications for a Class D (on–sale) beer and wine Arts and Entertainment District license.

(f) The license holder may hold another license of a different class or nature.

(g) The license:

(1) may be used for a maximum of 3 consecutive days; and

(2) may not be issued to an individual for–profit festival promoter more than once in a calendar year.

(h) The license fee is $500 per day.

§9–1304.1.

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

(2) The Board may issue one festival license each year.

(b) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.

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

(1) wine that is:

(i) manufactured and processed in any state; and

(ii) distributed in the State when the license application is filed; or

(2) beer that is brewed by a brewer:

(i) that brews less than 60,000 barrels of beer annually; and

(ii) whose product is distributed in the State when the license application is filed.

(d) 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 festival.

(e) The Board:

(1) each year may choose 1 weekend, Friday through Sunday inclusive, for the festival;

(2) may not choose the weekend selected for the Maryland Wine Festival in Carroll County;

(3) shall choose a location that is not already licensed; and

(4) shall ensure that the primary focus of the festival is the promotion of Maryland beer and wine.

(f) The license holder may hold another license of a different class or nature.

(g) Beer and wine displayed and sold shall be:

(1) invoiced to the license holder by a wholesaler, Class 3 winery, or Class 4 limited winery; and

(2) delivered to the festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(h) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder 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 2 days after the expiration date of the license.

(i) The Board may set the license fee.

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

§9–1305.

(a) There is a Class BWLT beer, wine, and liquor tasting permit.

(b) The Board may issue the permit to a holder of a beer, wine, and liquor license.

(c) The permit authorizes the holder to allow the on–premises consumption, for tasting, of beer, wine, and liquor.

(d) The permit holder shall notify the Board at least 7 days before a tasting event is to be held.

(e) (1) The annual fee for a Class BWLT beer, wine, and liquor tasting permit 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 permit; and

(ii) the annual fee for the underlying beer, wine, and liquor license.

(f) The Board shall adopt regulations to carry out this section.

§9–1307.

(a) The Board may grant a per diem license of any retail class.

(b) A per diem license authorizes the holder to exercise any of the privileges conferred by the class of the license:

(1) at an entertainment event held by a club;

(2) at the place described in the license; and

(3) for a period not exceeding:

(i) 7 consecutive days for a beer or a beer and light wine license; or

(ii) 14 consecutive days for a beer, wine, and liquor license.

§9–1308.

The fee for a per diem license is:

(1) $20 per day for any beer or beer and light wine license; or

(2) $50 per day for any beer, wine, and liquor license.

§9–1309.

(a) The Board may issue a per diem entertainment license of any class.

(b) The license authorizes the holder to exercise a privilege conferred by that class of license at an entertainment event only on property that the county owns.

(c) To qualify for the license, a person shall submit an application not less than 30 days before the day on which the license is to take effect.

(d) The license is valid for a period not exceeding 5 consecutive days.

(e) (1) The fee for the license shall be set by the Board of County Commissioners on the recommendation of the Board of License Commissioners.

(2) The Board of County Commissioners shall:

(i) distribute $100 of the license fee to the Board of License Commissioners; and

(ii) donate the balance of the license fee to a charitable organization that is tax exempt under § 501(c)(3) or (4) of the United States Internal Revenue Code.

(3) The license holder, with the approval of the Board of County Commissioners, shall designate the charitable organization to be the recipient of the donation under paragraph (2)(ii) of this subsection.

§9–1401.

(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) § 4–111 ("Payment of license fees");

(8) § 4–113 ("Refund of license fees"); and

(9) § 4–114 ("Fees for licenses issued for less than 1 year").

(b) Section 4–107 ("Criminal history records check") of Division I of this article does not apply in the county.

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

(1) § 4–109 ("Required information on application — In general"), in addition to § 9–1403 of this subtitle;

(2) § 4–110 ("Required information on application — Petition of support"), in addition to § 9–1404 of this subtitle; and

(3) § 4–112 ("Disposition of license fees"), in addition to § 9–1405 of this subtitle.

§9–1402.

(a) Only a United States citizen may have an interest of any kind in a business for which a license is issued.

(b) The Board may not issue a license to an individual who is not a resident of the county.

§9–1403.

An application shall include:

(1) a statement that the applicant is at least 21 years old;

(2) a statement that the applicant, for the issuance or renewal of a license, will produce on request all records that an applicant under this article is required to keep:

(i) to the Comptroller, a deputy Comptroller, the county sheriff, the Executive Director, or the police of a municipality in the county; or

(ii) in a proceeding before the Board or the circuit court for the county relating to the license or business;

(3) the names of two persons or the name of a bonding company authorized under this article who will act as a surety on the bond required by the county;

(4) a statement of all persons interested in the license, including the name of a business entity on whose behalf the license application is made; and

(5) certificates of receipt from the County Tax and Utility Office and the State Department of Assessments and Taxation, showing that, for the calendar year immediately before the year for which the license is to be issued, there are no unpaid taxes on the merchandise, fixtures, or inventory for the business due to the State, county, or municipality in which the licensed activity is to be carried on.

§9–1404.

(a) (1) With the license application, the applicant shall submit a petition signed by at least 10 residents, voters, or property owners who:

(i) have not signed any other petition for a license; and

(ii) live or own property in the vicinity of the place for which the license application is made.

(2) The petition shall state the full name, residence, or property owned of each person who signs the petition.

(3) Each person who signs the petition shall certify that the person:

(i) has been acquainted with the applicant for more than 1 year before the date that license application is made;

(ii) has good reason to believe that all the statements in the petition are true; and

(iii) requests that the petition be approved and that the license be issued.

(b) The applicant shall verify the petition by affidavit made before a notary or the clerk of the circuit court.

§9–1405.

(a) The Board shall process and the Director of Finance shall collect the fees.

(b) From the fees collected from licenses issued to a business in a municipality, the Director of Finance shall:

(1) credit 5% to the general fund of the county to cover administrative costs; and

(2) pay 50% of the remaining fees to the municipality where the business is located.

§9–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–211 ("License forms; effective date; expiration");

(5) § 4–212 ("License not property");

(6) § 4–213 ("Replacement licenses"); and

(7) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article do not apply in the county:

(1) § 4–208 ("Notice of license application required") and is superseded by § 9–1504 of this subtitle; and

(2) § 4–210 ("Approval or denial of license application") and is superseded by § 9–1506 of this subtitle.

(c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to § 9–1502 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 9–1503 of this subtitle and Subtitle 13, Part III of this title;

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 9–1503 of this subtitle; and

(4) § 4–209 ("Hearing"), in addition to § 9–1505 of this subtitle.

§9–1502.

The Board may not issue a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license to a person that holds an out–of–state alcoholic beverages license.

§9–1503.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and light wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§9–1504.

(a) (1) The Board shall publish a notice of the license application once a week for 2 consecutive weeks in at least one newspaper of general circulation in the municipality nearest to the location described in the application, as determined by the applicant.

(2) The notice shall state:

(i) the residence of the applicant; and

(ii) the location described in the application and the owner of the location.

(3) The first publication under this subsection shall be at least 15 days before the application hearing.

(b) (1) In addition to the newspaper notice required under § 4–208 of this article, the Board shall post a suitable notice in a conspicuous place at the location described in the application for at least 10 days before the application hearing.

(2) A notice under this subsection shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

§9–1505.

In a hearing on an application or protest, the general reputation of the following is admissible:

(1) the applicant or license holder;

(2) the location described in the application; and

(3) the persons who congregate at the location described in the application.

§9–1506.

(a) The Board may deny a license application if it decides that:

(1) the applicant is unfit to be issued the license; or

(2) the location described in the application is not a proper one with reference to ensuring the public peace, general welfare, or character of the neighborhood.

(b) Due regard shall be given to the number of licenses issued for a neighborhood.

§9–1601.

(a) The Board may:

(1) restrict the number of licenses in a neighborhood to the number of licenses that the Board considers sufficient;

(2) regulate the use of mechanical music boxes and other sound–making devices; and

(3) specify areas in which licenses will not be issued.

(b) An applicant or license holder who is aggrieved by any limitation, restriction, or prohibition imposed by the Board under subsection (a) of this section may petition for judicial review.

§9–1602.

(a) Subject to subsection (b) of this section, the Board may not issue:

(1) Class A and Class D beer, wine, and liquor licenses so that the number of licenses issued in each of these classes exceeds one for every 1,300 residents in the county, as determined by the latest federal census; and

(2) Class A and Class D beer licenses or Class A and Class D beer and light wine licenses so that the aggregate number in these classes exceeds one for every 1,300 residents in the county, as determined by the latest federal census.

(b) The Board may approve the transfer of a license.

§9–1603.

(a) This section applies to:

(1) Class A beer licenses, beer and light wine licenses, and beer, wine, and liquor licenses;

(2) Class B beer licenses, beer and light wine licenses, and beer, wine, and liquor licenses; and

(3) Class D beer, wine, and liquor licenses.

(b) Except as provided in subsection (c) of this section, the Board may not issue a license specified in subsection (a) of this section to a person whose establishment is outside:

(1) a municipality; or

(2) a community with at least 500 residents in a 1–mile radius.

(c) Subject to subsection (d) of this section, the prohibition against issuing a license in subsection (b) of this section does not apply to:

(1) a restaurant that derives more than 50% of its average monthly gross receipts from sales other than alcoholic beverages; or

(2) a hotel or motel that has at least 20 rooms regularly for hire and that offers meals for sale as a regular and substantial part of its business.

(d) A license issued under subsection (c) of this section may not be reissued, renewed, or transferred if the license holder fails to continue to comply with the requirements of this section.

§9–1604.

Not more than 60 Class C licenses may be in existence at any one time.

§9–1605.

A Class A, Class B, or Class D beer, wine, and liquor license may not be issued for, transferred to, used in conjunction with, used at a location having a direct or indirect connection with, or used at the location of:

(1) a chain store;

(2) a supermarket; or

(3) a discount house.

§9–1606.

(a) Except for a club, hotel, or motel, the Board may not issue a license for an establishment that does not front on a public street.

(b) A blind or an obstruction may not prevent an individual passing along the street from having a full view of the licensed premises.

§9–1607.

Not more than two Class B–D licenses may be issued in a single year.

§9–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house");

(2) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(3) § 4–306 ("Substitution of names of officers on license").

(b) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory"), subject to § 9–1702 of this subtitle; and

(2) § 4–305 ("Filing fee and endorsement"), subject to § 9–1703 of this subtitle.

§9–1702.

The Board may not allow the transfer of a license unless the Board is presented with a receipt or certificate from the Director of Finance showing that all personal property taxes due the county or the State are paid.

§9–1703.

The fee for a transfer of a license is $200.

§9–1704.

The Board may not transfer a license that is issued under § 9–1603 of this title unless the license holder continues to comply with the requirements of § 9–1602 of this title.

§9–1801.

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

§9–1802.

Notwithstanding § 9–1502 of this title, the Board may renew a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license originally issued to a holder of an out–of–state alcoholic beverages license.

§9–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–505 ("Alcohol awareness program");

(4) § 4–506 ("Evidence of purchaser's age");

(5) § 4–507 ("Retail delivery of alcoholic beverages"); and

(6) § 4–508 ("Display of license").

(b) Section 4–504 ("Employment of underage individuals") of Division I of this article applies in the county, subject to § 9–1902 of this subtitle.

§9–1902.

(a) (1) Except as provided in paragraph (2) of this subsection, a license holder may employ an individual between the ages of 18 and 21 years.

(2) A license holder that derives more than half of its revenues from the sale of food may employ an individual between the ages of 16 and 21 years.

(b) To be allowed to sell or serve beer, light wine, and liquor, an individual shall be at least 18 years old.

§9–1903.

(a) Subject to subsections (b) and (c) of this section, a Class C or Class D license holder may allow individuals under the age of 21 years on the premises to hold or attend a dance or other function at which individuals under the age of 21 years may be present.

(b) Alcoholic beverages may not be sold at the function or be present in the room where the function is held.

(c) The sponsor of the function shall provide adult supervision.

§9–1904.

(a) A retail dealer may not extend credit to a customer.

(b) A suit may not be maintained by a retail dealer against a person for alcoholic beverages that have been sold on credit.

§9–1905.

(a) An establishment licensed for the sale of beer or of beer and wine shall post at least four conspicuous notices on the licensed premises, including a building, a parking lot, a terrace, or grounds that are an integral part of the licensed premises, stating "Unlawful to drink or display liquor on these premises.".

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§9–2001.

(a) (1) Unless otherwise provided under this title, from 1 a.m. to 7 a.m. on Monday through Saturday and after 1 a.m. on Sunday, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, operator, or manager of a premises licensed under this title may not allow the consumption of alcoholic beverages that is prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 for each offense.

§9–2002.

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

(i) on Monday through Saturday from 7 a.m. to 2 a.m. the following day; and

(ii) on Sunday from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of $250; or

2. 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 A 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 off–premises consumption on not more than two Sundays in a year from 11 a.m. to 2 a.m. the following day.

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

(c) (1) Except as provided in § 9–2005 of this subtitle for December 31 and January 1, a holder of a Class C 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; and

(ii) on Sunday, for on–premises and off–premises consumption, from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of $250; or

2. 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 C 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 and off–premises consumption on not more than two Sundays in a year from 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 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 and off–premises consumption, from 11 a.m. to 2 a.m. the following day if the holder pays an additional fee of $250; 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 and off–premises consumption on not more than two Sundays in a year from 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.

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

(i) on Monday through Saturday from 7 a.m. to 2 a.m. the following day; and

(ii) on Sunday from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of $250; or

2. 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 A 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 off–premises consumption on not more than two Sundays in a year from 11 a.m. to 2 a.m. the following day.

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

(c) (1) Except as provided in § 9–2005 of this subtitle for December 31 and January 1, a holder of a Class C 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; and

(ii) on Sunday, for on–premises and off–premises consumption, from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of $250; or

2. 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 C 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 and off–premises consumption on not more than two Sundays in a year from 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 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 and off–premises consumption, from 11 a.m. to 2 a.m. the following day if the holder pays an additional fee of $250; 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 and off–premises consumption on not more than two Sundays in a year from 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.

(a) (1) Except as provided in § 9–2005 of this subtitle for December 31 and January 1, a holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor for off–premises consumption:

(i) on Monday through Saturday from 7 a.m. to 2 a.m. the following day; and

(ii) on Sunday from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of $250; or

2. 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 A 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 off–premises consumption on not more than two Sundays in a year from 11 a.m. to 2 a.m. the following day.

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

(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 and off–premises consumption, from 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 and off–premises consumption on not more than two Sundays in a year from 11 a.m. Sunday to 2 a.m. the following day.

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

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

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

(ii) on Sunday:

1. from 11 a.m. to 2 a.m. the following day if the holder pays an additional fee of $250; or

2. 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 B–D beer, wine, and liquor license.

(ii) 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 11 a.m. Sunday to 2 a.m. the following day.

(iii) 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 C 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; and

(ii) on Sunday, for on–premises and off–premises consumption, from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of $250; or

2. 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 C 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 and off–premises consumption on not more than two Sundays in a year from 11 a.m. Sunday to 2 a.m. the following day.

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

(e) (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; and

(ii) on Sunday:

1. from 11 a.m. to 2 a.m. the following day if the holder pays an additional fee of $250; or

2. 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 and off–premises consumption on not more than two Sundays in a year from 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.

§9–2006.

A license holder whose premises are also used as a polling place may not exercise any privilege conferred by that license on the day of an election when the polls are open.

§9–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board"); and

(2) § 4–605 ("Nudity and sexual displays").

(b) Section 4–606 ("Effects of revocation") of Division I of this article does not apply in the county and is superseded by § 9–2105 of this subtitle.

(c) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county:

(1) § 4–603 ("Revocation and suspension procedures"), subject to §§ 9–2102 and 9–2103 of this subtitle; and

(2) § 4–604 ("Grounds for revocation or suspension"), subject to § 9–2104 of this subtitle.

§9–2102.

In addition to the revocation and suspension procedures provided under § 4–603(a) of this article, a complaint may be made by at least 10 persons in the vicinity of the licensed premises.

§9–2103.

In a hearing on a complaint for revocation or suspension of a license, admissible evidence includes the general reputation of:

(1) the applicant or license holder;

(2) the establishment; and

(3) the individuals who congregate at the establishment.

§9–2104.

In addition to the grounds for revocation or suspension provided under § 4–604 of this article, the Board shall revoke or suspend a license for conviction of the license holder's agent or employee for a violation of this article.

§9–2105.

If a license is revoked because the license holder was convicted of violating this article or a provision of the Tax – General Article that relates to the alcoholic beverage tax, the Board may not issue a license to the former license holder or for the premises within 1 year after the conviction.

§9–2201.

(a) Section 4–702(a) ("On death of license holder") of Division I of this article applies in the county without exception or variation.

(b) The following sections of Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article do not apply in the county:

(1) § 4–702(b) ("After vacation of or eviction from premises");

(2) § 4–703 ("Pending or approved transfers or continuation of business");

(3) § 4–704 ("License for premises acquired for public use"); and

(4) § 4–705 ("Postponement to avoid hardship").

§9–2202.

(a) A license expires 180 days after the license holder has closed the business or stopped active alcoholic beverages business operations at the premises for which the license is held unless:

(1) an application for approval of a transfer to another location or another person under Subtitle 17 of this title has been approved or is pending;

(2) an application for a certificate of permission or a renewal license for continuation of business under Subtitle 23 of this title has been approved or is pending; or

(3) a written request for a hardship extension under subsection (b) of this section is filed within the 180–day period.

(b) (1) The license holder or another appropriate interested party may make a written request to the Board to extend the life of the license due to hardship.

(2) The Board may grant the extension if the Board finds after a hearing that existing hardship caused the closing or stopping of business operations.

(3) An extension may not prolong the life of the license beyond 360 days after the date of closing or stopping of alcoholic beverages business operations at the premises for which the license is held.

(c) (1) The period for which a license may be considered unexpired:

(i) begins at the earlier of the closing of the business or stopping of alcoholic beverages business operations; and

(ii) may be suspended only by filing an application or request under subsection (a) of this section.

(2) The expiration period resumes on the last to occur of the following events:

(i) final action of the Board granting or denying a request for a hardship extension under subsection (b) of this section;

(ii) final action of the Board denying an application described in subsection (a)(1) or (2) of this section;

(iii) final judgment of the reviewing court if judicial review of the Board's action on an application or request authorized by subsection (a) or (b) of this section has been granted; or

(iv) dismissal of a petition for judicial review of the Board's action.

(3) If an application or request described in subsection (a) or (b) of this section is withdrawn:

(i) the period for automatic expiration of the license may not be suspended; and

(ii) the application or request shall be considered as if it had not been filed.

§9–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

§9–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§9–2501.

(a) (1) An individual may not possess or consume an alcoholic beverage during the hours stated in paragraph (2) of this subsection in an establishment that:

(i) is not licensed by the Board; but

(ii) is:

1. a restaurant, tavern, hotel, club, dance studio, or disco;

2. a place of public entertainment;

3. a place open to the public;

4. a place that is licensed by the State or the county; or

5. a place at which setups or other component parts of mixed alcoholic drinks are sold.

(2) The prohibition under paragraph (1) of this subsection is in effect:

(i) from Monday to Saturday, from 1 a.m. to 7 a.m.; and

(ii) on Sunday, after 1 a.m.

(b) An owner or a manager of an establishment under subsection (a) of this section may not allow consumption or possession of alcoholic beverages that is prohibited under this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 for each offense.

§9–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–205 ("Peace officers");

(5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(7) § 6–208 ("Regulating possession or consumption of alcohol in public places"); and

(8) § 6–210 ("State preemption of local disorderly intoxication laws").

(b) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county:

(1) § 6–209 ("Adoption of standards for authorization of consumption"), subject to § 9–2602 of this subtitle; and

(2) § 6–211 ("Fines and forfeitures"), subject to § 9–2603 of this subtitle.

§9–2602.

A municipality in the county may pass an ordinance consistent with this article to regulate license holders located within the limits and up to 1 mile beyond the limits of the municipality to assist in the enforcement of this article.

§9–2603.

Fines imposed in the county shall be distributed as follows:

(1) one–half of each fine as provided under § 7–507 of the Courts Article; and

(2) (i) if the offense is committed in a municipality, one–quarter to the municipality and one–quarter to the county; or

(ii) if the offense is committed outside of a municipality, one–half to the county.

§9–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 (“Beverage misrepresentation”);

(8) § 6–313 (“Tampering with alcoholic beverage container”);

(9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);

(10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);

(11) § 6–316 (“Maximum alcohol content”);

(12) § 6–317 (“Multiple serving purchase required”);

(13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);

(14) § 6–320 (“Disorderly intoxication”);

(15) § 6–321 (“Consumption of alcoholic beverages in public”);

(16) § 6–322 (“Possession of open container”);

(17) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(18) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(19) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(20) § 6–328 (“Tax evasion”);

(21) § 6–329 (“Destruction of evidence”); and

(22) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

(1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 9–2702 of this subtitle; and

(2) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 9–2703 of this subtitle.

§9–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court of the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) A license holder or an employee of the license holder who violates § 6–304 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

(d) The Board may not proceed against a license holder for a violation of § 6–304 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

§9–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court of the State.

(b) A license holder or an employee of the license holder who violates § 6–307 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

(c) The Board may not proceed against a license holder for a violation of § 6–307 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

§9–2704.

(a) In this section, "knowingly" means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§9–2705.

(a) A license holder may not allow gambling that is prohibited by law on the licensed premises.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§9–2706.

(a) A license holder whose license has the privilege that allows the sale of alcoholic beverages by clubs may not lease the privilege to a person who, by an agreement with the license holder, may make a profit from the license.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§9–2707.

(a) A license holder may not allow disorderly or disreputable individuals to congregate on the licensed premises.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§9–2708.

(a) A license holder may not allow an individual who is not a consumer to loiter about the place of business for which the license is issued.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§9–2709.

(a) A person may not display or consume in a licensed establishment any alcoholic beverage other than those that the license holder of the licensed establishment may sell.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§9–2801.

(a) Section 6–402(b) ("General penalty — Imposition of penalty") of Division I of this article applies in the county without exception or variation.

(b) Section 6–402(a) ("General penalty — In general") of Division I of this article does not apply in the county and is superseded by § 9–2802 of this subtitle.

§9–2802.

A person who violates a provision of this article for which no other penalty is provided is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

§9–2803.

(a) The Board may revoke or suspend a license or impose a fine on a license holder who violates this article.

(b) (1) In lieu of suspension, the Board may impose a fine not exceeding $2,500, which shall be paid into the general fund of the county.

(2) In deciding whether to fine a license holder or suspend the license, the Board shall consider whether:

(i) the public welfare and morals would be impaired by allowing the license holder to operate during the suspension period; and

(ii) the payment of the fine will achieve the desired disciplinary purposes.

§9–2804.

(a) A municipality may impose a penalty for the violation of an ordinance passed for the regulation and control of a license holder under this title.

(b) (1) In lieu of suspension, the municipality may impose a fine not exceeding $2,500, which shall be paid into the general fund of the county.

(2) In deciding whether to fine a license holder or suspend the license, the municipality shall consider whether:

(i) the public welfare and morals would be impaired by allowing the license holder to operate during the suspension period; and

(ii) the payment of the fine will achieve the desired disciplinary purposes.

§10–101.

(a) In this title:

(1) 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 the City of Annapolis.

(c) "City" means the City of Annapolis.

(d) "Light wine" means wine that contains not more than 15.5% of alcohol by volume.

§10–102.

This title applies only in the City of Annapolis.

§10–103.

A copy of any legislation concerning alcoholic beverages enacted by the City Council under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§10–201.

The Mayor and the City Council may:

(1) constitute the Board of License Commissioners for the City; or

(2) delegate all or part of the authority to regulate license holders to a subsidiary board that the Mayor and City Council establish.

§10–202.

The Board of License Commissioners for Anne Arundel County does not have jurisdiction in the City.

§10–203.

(a) The Mayor and City Council of the City may adopt regulations that in their judgment give the City more effective control of each licensed establishment.

(b) The regulations:

(1) may be added to or substituted for provisions of this article; but

(2) may not be inconsistent with those provisions.

§10–301.

There is no liquor control board or department of liquor control in the City.

§10–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the City without exception or variation:

(1) § 2–201 (“Issuance by Comptroller”);

(2) § 2–202 (“Class 1 distillery license”);

(3) § 2–203 (“Class 9 limited distillery license”);

(4) § 2–204 (“Class 2 rectifying license”);

(5) § 2–205 (“Class 3 winery license”);

(6) § 2–206 (“Class 4 limited winery license”);

(7) § 2–207 (“Class 5 brewery license”);

(8) § 2–208 (“Class 6 pub–brewery license”);

(9) § 2–209 (“Class 7 micro–brewery license”);

(10) § 2–210 (“Class 8 farm brewery license”);

(11) § 2–211 (“Residency requirement”);

(12) § 2–212 (“Additional licenses”);

(13) § 2–213 (“Additional fees”);

(14) § 2–214 (“Sale or delivery restricted”);

(15) § 2–216 (“Interaction between manufacturing entities and retailers”);

(16) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and

(17) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).

(b) Section 2–215 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article does not apply in the City.

§10–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

§10–501.

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the City without exception or variation:

(1) § 2–301 ("Licenses issued by Comptroller");

(2) § 2–302 ("Class 1 beer, wine, and liquor wholesaler's license");

(3) § 2–303 ("Class 2 wine and liquor wholesaler's license");

(4) § 2–304 ("Class 3 beer and wine wholesaler's license");

(5) § 2–305 ("Class 4 beer wholesaler's license");

(6) § 2–306 ("Class 5 wine wholesaler's license");

(7) § 2–307 ("Class 6 limited wine wholesaler's license");

(8) § 2–308 ("Class 7 limited beer wholesaler's license");

(9) § 2–309 ("Sale and delivery of beer or wine from wholesaler's vehicle");

(10) § 2–310 ("Sale and delivery to retail license holder");

(11) § 2–311 ("Additional wholesaler's licenses");

(12) § 2–312 ("Direct importation of alcoholic beverages");

(13) § 2–313 ("Sale or delivery restricted to holder of license or permit");

(14) § 2–315 ("Interaction between wholesaling entities and retailers");

(15) § 2–316 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

(b) Section 2–314 ("Beer sale on credit to retail dealer prohibited") of Division I of this article does not apply in the City.

§10–502.

Except as provided in § 10–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§10–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§10–701.

A light wine license may not be issued in the City.

§10–801.

The Board may issue a license to sell beer and light wine, at retail, for:

(1) on–premises consumption; or

(2) on– and off–premises consumption.

§10–901.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at the place described in the license for on–premises consumption.

§10–1001.

(a) There is an art establishment beer and wine license.

(b) (1) The Board may issue the license to a nonprofit organization primarily engaged in:

(i) the display, sale, or demonstration of art by an individual artist or a group of artists;

(ii) the instruction of participating clients in creating art; or

(iii) live performances, including musical acts or theater performances.

(2) The Board may not issue the license to an organization that:

(i) displays and sells commercially prepared or mass–produced artistic products; or

(ii) has a corporate purpose that is not dedicated to the activities described under paragraph (1) of this subsection.

(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 set for beer and light wine licenses under § 10–2003 of this title.

(e) The license may not be transferred to another location.

(f) The annual license fee is **$**1,000.

§10–1002.

(a) There is a bookstore beer and wine license.

(b) The Board may issue the license for use by an establishment commonly known as a bookstore that derives at least 70% of its revenue, measured by average daily receipts, from the sale of books.

(c) The license authorizes the license holder to sell beer and wine to a bookstore customer for consumption in the bookstore during a public lecture, reading, discussion, or similar bookstore event.

(d) The average daily receipts from the sale of alcoholic beverages at the bookstore may not exceed 17% of average daily receipts of the business.

(e) The license may not be transferred to another location.

(f) The license holder is subject to the alcohol awareness training requirements under § 4–505 of this article.

(g) The annual license fee is $200.

§10–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the City without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the City.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the City:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 10–1102 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 10–1103 of this subtitle.

§10–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, Class B license, Class D license, or Class E license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for a refillable container permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) The annual permit fees are:

(1) $50 for an applicant whose license has an off–sale privilege; and

(2) $500 for an applicant whose license does not have an off–sale privilege.

§10–1103.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, Class B license, Class D license, or Class E license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for a nonrefillable container permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:

(i) $50 for an applicant whose license has an off–sale privilege; and

(ii) $500 for an applicant whose license does not have an off–sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§10–1104.

(a) There is a club public event permit.

(b) The Board may issue the permit to a holder of a Class C license.

(c) Subject to subsection (d) of this section, the permit authorizes a club to sell alcoholic beverages that are allowed under the club's Class C license:

(1) during a public event sponsored by the club at the place described in the license;

(2) to an individual who is not a member of the club or a guest of a member; and

(3) for on–premises consumption.

(d) (1) A permit holder shall:

(i) submit an application for approval to the Board at least 45 days before a public event; and

(ii) obtain the approval of the Board before each public event.

(2) The Board, in its discretion, may approve up to 12 public events per permit holder in a calendar year.

§10–1301.

Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article applies in the City without exception or variation.

§10–1304.

(a) The Mayor and City Council or designee may approve a Class WS wine sampling license.

(b) The Mayor and City Council or designee may issue the license to a nonprofit organization.

(c) (1) The license authorizes the on–premises consumption of wine for sampling:

(i) on premises for which a Class B beer and wine or beer, wine, and liquor license has been issued, with the consent of the holder of the license for the premises; or

(ii) at a location that is not already licensed.

(2) The license holder may bring wine onto the Class B licensed premises for sampling.

(d) The nonprofit organization shall apply for the license at least 15 days before the license is issued.

(e) The Mayor and City Council or designee may issue not more than 12 licenses in a license year to a single nonprofit organization.

(f) The license holder may serve a quantity of not more than 2 ounces from each offering to an individual.

(g) The Mayor and City Council or designee shall set the license fee.

§10–1305.

(a) The Mayor and City Council or designee may approve a Class BWT beer and wine tasting license.

(b) The Mayor and City Council or designee may issue the license to a holder of a Class A beer, wine, and liquor license or Class A beer and wine license.

(c) The license authorizes a license holder to allow on–premises consumption of beer and light wine for tasting.

(d) The license holder may serve to an individual:

(1) light wine in a quantity of not more than 1 ounce from each offering; and

(2) beer in a quantity of not more than 3 ounces.

(e) The Mayor and City Council or designee shall set the license fee.

§10–1401.

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local License") of Division I of this article apply in the City 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) § 4–110 (“Required information on application — Petition of support”);

(8) § 4–111 (“Payment of license fees”);

(9) § 4–113 (“Refund of license fees”); and

(10) § 4–114 (“Fees for licenses issued for less than 1 year”).

(b) Section 4–107 (“Criminal history records check”) of Division I of this article does not apply in the City.

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

(1) § 4–109 (“Required information on application — In general”), subject to § 10–1402 of this subtitle; and

(2) § 4–112 (“Disposition of license fees”), subject to § 10–1403 of this subtitle.

§10–1402.

An applicant for a license issued in the City may meet the residency requirement in § 4–109(a)(4) of this article by residing anywhere in Anne Arundel County.

§10–1403.

The City Clerk shall collect all license fees and pay them to the City.

§10–1404.

The Mayor and City Council may:

(1) set the fees for all licenses authorized to be issued in the City; and

(2) determine a periodic basis on which payments for the renewal of a license may be made.

§10–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the City without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–208 ("Notice of license application required");

(5) § 4–209 ("Hearing");

(6) § 4–210 ("Approval or denial of license application");

(7) § 4–211 ("License forms; effective date; expiration");

(8) § 4–212 ("License not property");

(9) § 4–213 ("Replacement licenses"); and

(10) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the City:

(1) § 4–202 ("Authority of local licensing boards"), subject to § 10–1502 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 10–1503 of this subtitle and Subtitle 13, Part III of this title; and

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 10–1503 of this subtitle and Subtitle 13, Part III of this title.

§10–1502.

(a) Licenses shall be approved by the Board of License Commissioners of the City and issued by the City Clerk.

(b) The Board of License Commissioners of Anne Arundel County may not issue licenses in the City.

§10–1503.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and light wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§10–1701.

Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article applies in the City without exception or variation.

§10–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the City without exception or variation:

(1) § 4–403 ("Renewal application");

(2) § 4–404 ("Filing period for renewal application");

(3) § 4–405 ("Contents of renewal application");

(4) § 4–406 ("Protests");

(5) § 4–407 ("Denial of renewal application");

(6) § 4–408 ("Issuance of renewed licenses");

(7) § 4–409 ("Multiple licenses"); and

(8) § 4–410 ("Chain store, supermarket, or discount house").

(b) Section 4–402 ("Eligibility for renewal; process") of Division I of this article applies in the City, subject to § 10–1802 of this subtitle.

§10–1802.

The Mayor and City Council may determine a periodic payment schedule for the renewal of a license.

§10–1901.

Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article applies in the City without exception or variation.

§10–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption of alcoholic beverages prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§10–2002.

The Board may set the hours of sale for beer licenses.

§10–2003.

The Board may set the hours of sale for beer and light wine licenses.

§10–2004.

The Board may set the hours of sale for beer, wine, and liquor licenses.

§10–2101.

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the City without exception or variation.

§10–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the City without exception or variation.

§10–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the City without exception or variation.

§10–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the City without exception or variation.

§10–2501.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§10–2601.

(a) Subject to regulation by the City of the possession or consumption of alcoholic beverages on public property owned by the City or on a public highway, the following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the City without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 (“Use of equipment to measure quantity and quality of alcoholic beverages”);

(3) § 6–205 (“Peace officers”);

(4) § 6–206 (“Charging document for unlawful sale of alcoholic beverage”);

(5) § 6–207 (“Display of alcoholic beverages as prima facie evidence of sale”);

(6) § 6–208 (“Regulating possession or consumption of alcohol in public places”);

(7) § 6–209 (“Adoption of standards for authorization of consumption”); and

(8) § 6–211 (“Fines and forfeitures”).

(b) Section 6–210 (“State preemption of local disorderly intoxication laws”) of Division I of this article does not apply in the City.

(c) Section 6–204 (“Power to summon witnesses”) of Division I of this article applies in the City, in addition to § 10–2602 of this subtitle.

§10–2602.

In addition to the sheriff who may serve a summons under § 6–204 of this article, the City Police Department may serve a summons.

§10–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the City without exception or variation:

(1) § 6–305 (“Proof of age for sale of alcoholic beverages”);

(2) § 6–306 (“Defense to prosecution for sale to underage individual”);

(3) § 6–308 (“Allowing on–premises consumption of alcoholic beverages not purchased from license holder”);

(4) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);

(5) § 6–310 (“Providing free food”);

(6) § 6–311 (“Restrictions on purchases and sales by retail dealer”);

(7) § 6–312 (“Beverage misrepresentation”);

(8) § 6–313 (“Tampering with alcoholic beverage container”);

(9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);

(10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);

(11) § 6–316 (“Maximum alcohol content”);

(12) § 6–317 (“Multiple serving purchase required”);

(13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);

(14) § 6–320 (“Disorderly intoxication”);

(15) § 6–321 (“Consumption of alcoholic beverages in public”);

(16) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(17) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(18) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(19) § 6–328 (“Tax evasion”);

(20) § 6–329 (“Destruction of evidence”); and

(21) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article do not apply in the City:

(1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”); and

(2) § 6–322 ("Possession of open container").

(c) Section 6–307 ("Selling or providing alcoholic beverages to intoxicated individual") of Division I of this article applies in the City, subject to § 10–2703 of this subtitle.

§10–2702.

(a) A person may not sell or provide directly or indirectly alcoholic beverages to an individual under the age of 21 years for the individual's own use or for the use of any other person.

(b) A defendant may not be found guilty of selling alcoholic beverages to an individual under the age of 21 years if:

(1) the individual willfully represented that the individual is at least 21 years old and obtained an alcoholic beverage; and

(2) the defendant proves at the trial that:

(i) misrepresentation of age occurred;

(ii) due caution was used in ascertaining the age of the individual before providing the alcoholic beverage to the individual;

(iii) in the exercise of due caution, the defendant was deceived by the use of documentary evidence; and

(iv) because of the use of documentary evidence, the defendant was unable to ascertain that the individual was under the age of 21 years.

(c) The City Council may provide by ordinance that a violation of this section is a municipal infraction.

(d) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of this section does not bar the Board from proceeding administratively against the license holder for the violation.

§10–2703.

The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§10–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the City.

§10–2802.

The Board may impose a fine not exceeding $2,000 in lieu of suspending a license for a violation that is cause for license suspension under the alcoholic beverage laws of the City.

§11–101.

(a) In this title:

(1) 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 Anne Arundel County.

(c) "County" means Anne Arundel County.

(d) "Light wine" means wine that contains not more than 15.5% of alcohol by volume.

(e) "Taxpayer" means an individual who:

(1) owns real property in the county in the individual's own name, individually or jointly with others; and

(2) pays real property taxes to the county.

§11–102.

This title applies only in Anne Arundel County.

§11–103.

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§11–201.

There is a Board of License Commissioners for Anne Arundel County.

§11–202.

(a) (1) The Governor shall appoint three members to the Board.

(2) The appointments shall be made:

(i) if the Senate is in session, with the advice and consent of the Senate; or

(ii) if the Senate is not in session, by the Governor alone.

(b) (1) Each member of the Board shall be:

(i) a resident and voter of the county; and

(ii) an individual of high character and integrity and of recognized business capacity.

(2) No more than two members of the Board may belong to the same political party.

(c) (1) The term of a member is 2 years.

(2) A member may not serve more than four consecutive terms.

(d) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

§11–203.

In making the appointments, the Governor shall designate a chair from among the members of the Board.

§11–204.

(a) (1) The chair of the Board shall receive an annual salary of not more than $18,000 and reimbursement for expenses reasonably incurred.

(2) Each other member of the Board shall receive an annual salary of not more than $15,000 and reimbursement for expenses reasonably incurred.

(b) (1) The Board may employ:

(i) inspectors, subject to § 11–206 of this subtitle; and

(ii) clerical and other assistants as are necessary.

(2) The Board shall employ:

(i) a full–time executive director whose annual salary shall be fixed by the Board as in a general county classified salary schedule, within pay grade 17;

(ii) a full–time administrator whose annual salary shall be fixed by the Board as in a general county classified salary schedule, within pay grade 16;

(iii) two full–time secretaries whose annual salaries shall be fixed by the Board as in a general county classified salary schedule, within pay grade 13;

(iv) a full–time chief inspector whose annual salary shall be fixed by the Board as in a general county classified salary schedule, within non–represented pay schedule NR–05; and

(v) an attorney at an annual salary of $60,000.

(3) (i) The Board may hire an attorney on a contractual basis to perform work that the attorney employed by the Board is unable to perform because of a conflict of interest.

(ii) The Board may spend not more than $30,000 each year to hire a contractual attorney under subparagraph (i) of this paragraph.

(4) Except as otherwise provided in this subtitle, the Board may set the compensation of the employees.

§11–205.

The Board may allow the sale of alcoholic beverages in or on a parking lot, picnic ground, building, or terrace that is an integral part of the licensed premises.

§11–206.

(a) (1) The Board may employ:

(i) one part–time deputy chief inspector at an annual salary of $18,000; and

(ii) 18 part–time inspectors at an annual salary of $7,000 each.

(2) Each inspector shall receive a monthly expense allowance of $300, subject to the approval of the Executive Director.

(b) An inspector:

(1) has all the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article;

(2) may serve a summons under § 11–2604 of this title; and

(3) may issue a civil citation under § 11–2605 of this title.

(c) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

(d) (1) An inspector shall provide a penalty bond of $2,000 to the Board and the County Council jointly on the condition that the inspector faithfully perform the duties of office.

(2) The county shall pay the cost of the bond.

§11–207.

From the fees received, the Executive Director shall:

(1) approve and remit to the county the amounts necessary to pay the salaries and benefits of the Board and its employees;

(2) approve and remit to the county the amount necessary to pay the expenses of the Board; and

(3) at the end of each fiscal year, remit the balance of the fees received to the county for the general purposes of the county.

§11–208.

The Board may adopt regulations to carry out this article.

§11–209.

(a) The Board shall make available to the public the agenda for an upcoming meeting not less than 1 week before the meeting.

(b) The Board shall make available to the public live video and audio streaming of each open meeting.

(c) In accordance with § 3–306 of the General Provisions Article, the Board shall publish the minutes of each open meeting not later than 1 month after the meeting.

(d) The Board shall archive and store:

(1) recordings of each open meeting for not less than 3 years; and

(2) records of the minutes of each open meeting for not less than 7 years.

§11–301.

There is no liquor control board or department of liquor control in the county.

§11–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Executive Director");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–208 ("Class 6 pub–brewery license");

(8) § 2–210 ("Class 8 farm brewery license");

(9) § 2–211 ("Residency requirement");

(10) § 2–212 ("Additional licenses");

(11) § 2–213 ("Additional fees");

(12) § 2–214 ("Sale or delivery restricted");

(13) § 2–216 ("Interaction between manufacturing entities and retailers");

(14) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(15) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

(1) § 2–207 ("Class 5 brewery license"), subject to § 11–1007.1 of this title;

(2) § 2–209 ("Class 7 micro–brewery license"), subject to § 11–1007.1 of this title; and

(3) § 2–215 ("Beer sale on credit to retail dealer prohibited"), subject to § 11–403 of this subtitle.

§11–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§11–403.

In addition to § 2–215 of this article:

(1) a cash deposit for a returnable container shall be required at the time of sale or delivery; and

(2) a check accepted for payment that is not postdated and is promptly deposited for collection is considered cash.

§11–501.

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–301 ("Licenses issued by Executive Director");

(2) § 2–302 ("Class 1 beer, wine, and liquor wholesaler's license");

(3) § 2–303 ("Class 2 wine and liquor wholesaler's license");

(4) § 2–304 ("Class 3 beer and wine wholesaler's license");

(5) § 2–305 ("Class 4 beer wholesaler's license");

(6) § 2–306 ("Class 5 wine wholesaler's license");

(7) § 2–307 ("Class 6 limited wine wholesaler's license");

(8) § 2–308 ("Class 7 limited beer wholesaler's license");

(9) § 2–309 ("Sale and delivery of beer or wine from wholesaler's vehicle");

(10) § 2–310 ("Sale and delivery to retail license holder");

(11) § 2–311 ("Additional wholesaler's licenses");

(12) § 2–312 ("Direct importation of alcoholic beverages");

(13) § 2–313 ("Sale or delivery restricted to holder of license or permit");

(14) § 2–315 ("Interaction between wholesaling entities and retailers");

(15) § 2–316 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

(b) Section 2–314 ("Beer sale on credit to retail dealer prohibited") of Division I of this article applies in the county, subject to § 11–504 of this subtitle.

§11–502.

Except as provided in § 11–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§11–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a Class C per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the Class C per diem license and accept returns on the same day.

(b) (1) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

(2) Before the license expires, a holder of a Class C per diem license shall pay for any equipment, services, personnel, and supplies required for dispensing draft beer.

§11–504.

For purposes of applying § 2–314 of this article:

(1) a cash deposit for a returnable container shall be required at the time of sale or delivery of beer; and

(2) a check accepted for payment that is not postdated and is promptly deposited for collection is considered cash.

§11–601.

A Class A beer license may not be issued in the county.

§11–602.

A Class B beer license may not be issued in the county.

§11–603.

A Class C beer license may not be issued in the county.

§11–604.

A Class D beer license may not be issued in the county.

§11–701.

(a) There is a Class A light wine license in the county.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license light wine produced at the winery.

(2) Light wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $60.

§11–801.

(a) There is a Class A beer and light wine license.

(b) (1) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and light wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or light wine is sold.

(c) The annual license fee is $240.

§11–802.

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

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

(c) Before each renewal of the license, the license holder shall attest in a sworn statement that the gross receipts from food sales for the 12–month period immediately preceding the application for renewal were at least equal to 51% of the gross receipts from the sale of food and alcoholic beverages sold for on–premises consumption.

(d) The annual license fee is $480.

§11–803.

(a) There is a Class C beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is $120.

§11–804.

(a) There is a Class D beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $480.

§11–805.

(a) There is a Class H beer and light wine license.

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

(c) Before each renewal of the license, the license holder shall attest in a sworn statement that the gross receipts from food sales for the 12–month period immediately preceding the application for renewal were at least equal to 51% of the gross receipts from the sale of food and alcoholic beverages.

(d) The annual license fee is $360.

§11–806.

(a) There is a beer and wine (hotel–limited service) license.

(b) The Board may issue the license to a person who owns or leases a hotel that contains:

(1) at least 50 rooms; and

(2) a kitchen licensed to operate as a food service facility.

(c) The license authorizes the license holder to sell beer and wine every day at one or more locations in the hotel for on–premises consumption.

(d) The annual license fee is $2,400 to be paid on or before May 1.

§11–901.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is $720.

§11–902.

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

(b) The Board may issue the license for use by a restaurant that:

(1) has ample space and accommodations for regularly preparing, selling, and serving hot meals to the public at least twice daily;

(2) is equipped with a public dining room with sufficient tables, chairs, cutlery, and glassware to serve the meals prepared in the restaurant;

(3) is equipped with a kitchen that has complete facilities and utensils for preparing and serving hot and cold meals to the public; and

(4) employs a sufficient number of cooks and wait staff to serve the number of customers accommodated in the dining room.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on– or off–premises consumption.

(d) Before each renewal of the license, the license holder shall attest in a sworn statement that the gross receipts from food sales for the 12–month period immediately preceding the application for renewal were at least equal to 51% of the

gross receipts from the sale of food and alcoholic beverages sold for on–premises consumption.

(e) The annual fee for the license is $1,080.

§11–903.

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

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor at retail, at a club at the place described in the license, for on–premises consumption, including:

(i) during an event held on the licensed premises; and

(ii) to a member of the club or a guest of the member.

(2) If the license holder hosts an event for an outside group, the outside group shall obtain a Class C per diem beer, wine, and liquor license from the Board.

(c) The annual license fee is $480.

§11–904.

(a) There are:

(1) a Class D beer, wine, and liquor license for on– and off–premises consumption; and

(2) a limited Class D beer, wine, and liquor license for on–premises consumption only.

(b) When an application for a new Class D beer, wine, and liquor license is filed, the Board may limit the sale of beer, wine, and liquor to allow on–premises consumption only.

(c) The annual license fees are:

(1) $1,200 for a Class D license; and

(2) $1,080 for a limited Class D license.

§11–905.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on–premises consumption.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 11–2004(e) of this title.

(d) Before each renewal of the license, the license holder shall attest in a sworn statement that the gross receipts from food sales for the 12–month period immediately preceding the application for renewal were at least equal to 51% of the gross receipts from the sale of food and alcoholic beverages.

(e) The annual license fee is $960.

§11–906.

(a) There is a beer, wine, and liquor (hotel–limited service) license.

(b) The Board may issue a license to a person who owns or leases a hotel that:

(1) has at least 50 rooms; and

(2) operates a kitchen licensed at least as a food service facility.

(c) The license authorizes the license holder to sell beer, wine, and liquor every day at one or more locations in the hotel for on–premises consumption.

(d) The annual license fee is $2,800.

§11–907.

(a) There is a motel/hotel–restaurant license.

(b) (1) The Board may issue the license to the person owning or leasing a motel–restaurant complex or hotel–restaurant complex that has:

(i) except as provided in paragraph (2) of this subsection, at least $500,000 in capital investment;

(ii) at least 100 rooms; and

(iii) an enclosed dining room in which, at least twice a day, full–course meals are served with patrons ordering from menus.

(2) A concessionaire to whom the food concession of the complex is leased is exempt from the requirement of having at least $500,000 in capital investment.

(c) The license authorizes:

(1) the license holder to sell beer, wine, and liquor to a person at one or more locations, including bars or counters, in the licensed motel–restaurant complex or hotel–restaurant complex for on–premises consumption, including bars and counters; and

(2) the playing of music and dancing.

(d) The annual license fee is $3,600 for each separate establishment.

§11–1001.

(a) There is an airport concessionaire license.

(b) (1) The Board may issue the license to a person who is a lessee, sublessee, or concessionaire at an airport.

(2) The Board may not impose additional qualifications for the license as to the residence or voting status of the license holder.

(c) The license authorizes:

(1) the sale of beer, wine, and liquor every day from each location in an airport terminal; and

(2) the playing of music and dancing.

(d) (1) (i) This paragraph does not apply to duty free shops.

(ii) A person who is a lessee, sublessee, or concessionaire at Baltimore–Washington International Thurgood Marshall Airport may hold one license for multiple locations within the terminal of Baltimore–Washington International Thurgood Marshall Airport, even if the person already holds another license that the Board issues.

(2) On receipt of an application for the license, the Board shall:

(i) give precedence to the application of a person under paragraph (1)(ii) of this subsection over all other license applications; and

(ii) hold a hearing on the application at the Board meeting that immediately follows receipt of the application.

(e) A holder of the license need not obtain a Sunday permit under § 11–1104 of this title to sell alcoholic beverages after 2 a.m. on Sunday.

(f) (1) (i) The annual fee for the license and one location from which alcoholic beverages may be sold is $5,000.

(ii) The annual fee for each additional location from which alcoholic beverages may be sold is $5,000.

(2) Each fee shall be paid on or before May 1 to the Board.

§11–1002.

(a) There is a barbershop and beauty salon beer and wine license.

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

(1) a barbershop permit issued under § 4–501 of the Business Occupations and Professions Article; or

(2) a beauty salon permit issued under § 5–501 of the Business Occupations and Professions Article.

(c) The license authorizes the license holder to provide not more than 12 ounces of beer or 5 ounces of wine by the glass for on–premises consumption by a barbershop or beauty salon customer:

(1) when the customer is being provided:

(i) a barbering service under Title 4 of the Business Occupations and Professions Article; or

(ii) a cosmetology service under Title 5 of the Business Occupations and Professions Article; or

(2) while the customer is attending a fund–raising event at the barbershop or beauty salon.

(d) A license holder may serve beer and wine for on–premises consumption during normal business hours but not later than 9 p.m.

(e) A license holder need not obtain a Sunday license under § 11–2004 of this title to provide beer and wine on Sunday.

(f) The annual license fee is $100.

§11–1002.1.

(a) In this section, "commercial bingo":

(1) means any bingo game authorized by law in the county for which any type of consideration is paid or collected in order to play the game; and

(2) does not include bingo conducted by charitable or nonprofit organizations in accordance with Title 13, Subtitle 4 of the Criminal Law Article.

(b) There is a commercial bingo license.

(c) The Board may issue the license to the owner of a licensed commercial bingo establishment.

(d) The license authorizes the license holder to sell beer, wine, and liquor from any location in the commercial bingo establishment for on–premises consumption anywhere in the establishment.

(e) Beer, wine, and liquor purchased under the license may be carried and consumed anywhere in the commercial bingo establishment.

(f) (1) The license holder may sell alcoholic beverages Monday through Sunday during normal business hours, but not later than 2 a.m.

(2) The license holder need not obtain a Sunday license under § 11–2004 of this title to sell alcoholic beverages on Sunday.

(g) The annual license fee is $2,500.

§11–1002.2.

(a) There is a Class C (country and golf club) license.

(b) An application for the license shall be signed by at least one officer of the country and golf club who is a resident, registered voter, and taxpayer of the county.

(c) The Board may issue the license for use by a country and golf club that:

(1) has at least 200 members paying dues of at least $75 per year per member; and

(2) at the time of the application for the license, maintains:

(i) at least two tennis courts;

(ii) a swimming pool that is at least 30 feet by 80 feet; and

(iii) a regular or championship golf course of at least nine holes.

(d) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption.

(e) (1) Except as provided in paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor during the hours and days of sale as set out for a Class C beer, wine, and liquor license under § 11–2004 of this title.

(2) The license may be used to sell beer, wine, and liquor on Sunday.

(f) The annual license fee is $1,800.

§11–1003.

(a) There is a Class C (country club) license.

(b) The Board may issue the license for use by a country club that:

(1) has at least 200 members paying dues of at least $75 per year per member; and

(2) maintains at the time of the application for the license:

(i) at least two tennis courts;

(ii) a swimming pool that is at least 30 feet by 80 feet; and

(iii) at least 15 acres used in connection with the licensed premises.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption.

(2) The license does not allow sales for:

(i) off–premises consumption; or

(ii) consumption on the grounds of the country club.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 11–2004 of this title, including Sunday sales restrictions.

(e) The annual license fee is $750.

§11–1004.

(a) (1) In this section the following words have the meanings indicated.

(2) "Concessionaire" means a lessee, a sublessee, or any other operator of an establishment that:

(i) engages in the daily sale of beer, wine, and liquor on its premises for consumption anywhere in an entertainment facility; and

(ii) is operated as a concession adjacent to but independent of the entertainment facility.

(3) "Entertainment facility" means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(b) There is an entertainment concessionaire license.

(c) The Board may issue the license to a concessionaire operating in conjunction with an entertainment facility.

(d) (1) The license authorizes:

(i) the license holder to sell beer, wine, and liquor on the premises of the concessionaire for consumption anywhere in the entertainment facility; and

(ii) the playing of music and dancing in the licensed premises.

(2) Beer, wine, and liquor purchased under the license may be taken into and consumed anywhere in an entertainment facility.

(e) (1) The hours for the sale and consumption of alcoholic beverages under the license are the same as the hours of operation for a video lottery facility established under § 9–1A–23 of the State Government Article.

(2) A holder of the license need not obtain a Sunday sales license under § 11–2004 of this title to sell alcoholic beverages after 2 a.m. on Sunday.

(f) The license may not be counted as a Class B or Class H license for purposes of § 11–1609 of this title.

(g) (1) The annual fee for the license is $5,000.

(2) The fee shall be paid on or before May 1 to the Board.

(h) Any penalty or other sanction that is imposed for a violation of a regulation of the Board on the licensed premises of the holder of an entertainment concessionaire license shall apply to the holder of a concessionaire's license who the Board determines to be responsible for the violation.

§11–1005.

(a) In this section, "entertainment facility" means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(b) There is an entertainment facility license.

(c) (1) The Board may issue the license for the use of an entertainment facility that contains one or more food service facilities, bars, or lounges that are part of the operation of the entertainment facility.

(2) (i) The license shall be issued to an individual or entity that owns an entertainment facility and holds a license under Title 9, Subtitle 1A of the State Government Article.

(ii) An applicant for the license need not meet any location, voting, or residency requirements.

(d) (1) The license authorizes:

(i) the license holder to sell beer, wine, and liquor by the glass or by the bottle in any location of the entertainment facility that is not covered by an entertainment concessionaire license for consumption anywhere in the entertainment facility; and

(ii) subject to § 4–605 of this article, the playing of music, dancing, plays, live performances, comedy shows, and other artistic shows in the licensed premises.

(2) By administrative action, the Board may allow the sale of alcoholic beverages for a promotional event in an area adjacent to the entertainment facility that:

(i) is controlled by the license holder;

(ii) has controlled access; and

(iii) is a parking lot, picnic ground, building, or terrace.

(3) Beer, wine, and liquor purchased under the license may be taken and consumed anywhere in an entertainment facility.

(e) (1) The hours for the sale and consumption of alcoholic beverages under the license are the same as the hours of operation for a video lottery facility established under § 9–1A–23 of the State Government Article.

(2) A holder of the license need not obtain a Sunday permit under § 11–2004 of this title to sell alcoholic beverages after 2 a.m. on Sunday.

(f) The license may not be counted as a Class B or Class H license for purposes of § 11–1609 of this title.

(g) (1) The annual fee for the license is $15,000.

(2) The fee shall be paid on or before May 1 to the Board.

§11–1006.

(a) There is a Class C (fraternal/sororal) organization license.

(b) The Board may issue the license for use by a local unit of a lodge, political organization, or chapter of a nonprofit and nationwide fraternal or service organization that:

(1) is composed only of inducted members;

(2) was operating in the county before the license application was made;

(3) has a membership of at least 100 individuals and dues of at least $5 per year per individual; and

(4) owns and operates a home or clubhouse that is principally for the use of its members and guests when accompanied by members.

(c) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor at retail for on–premises consumption, including during an event held on the licensed premises, to:

(i) a member of the local unit for which the license was issued; or

(ii) a member's guest when accompanied by the member.

(2) If the license holder hosts an event for an outside group, the outside group shall obtain a Class C per diem beer, wine, and liquor license from the Board.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 11–2004 of this title.

(e) The annual license fee is $400.

§11–1006.1.

(a) There is a gift basket permit.

(b) (1) The Board may issue the permit to a person:

(i) whose primary business is the sale and delivery of flowers;

(ii) whose business includes the sale and delivery of gift baskets of flowers, food, or other items; and

(iii) who does not hold any other alcoholic beverages license or permit under this article.

(2) The Board may not issue the permit for use in conjunction with or on the premises of a chain store, supermarket, or discount house.

(c) A holder of the permit:

(1) may sell and deliver, to consumers of a legal drinking age located in the county, gift baskets containing:

(i) not more than 72 ounces of beer;

(ii) not more than 2.25 liters of wine; or

(iii) not more than 2.25 liters of liquor; and

(2) shall maintain records and submit reports as required by the Board.

(d) (1) Subject to paragraph (2) of this subsection, the permit holder or an employee of the permit holder shall:

(i) deliver the gift basket containing alcoholic beverages; and

(ii) require the person receiving a delivery of a gift basket containing alcoholic beverages to display proof that the person is at least 21 years old.

(2) An individual who delivers a gift basket containing alcoholic beverages shall be at least 21 years old.

(e) The holder's annual sales from alcoholic beverages may not exceed 10% of the holder's annual gross sales.

(f) The alcoholic beverages contained in a gift basket shall be purchased from a retail license holder.

(g) The Board shall adopt regulations to carry out this section.

(h) The fee for a gift basket permit is $100.

§11–1006.2.

(a) There is a Class MT (movie theater) beer and wine license.

(b) The Board may issue the license to the owner of a movie theater that holds a crowd control training certification.

(c) The license holder may sell beer and wine at retail at the place described in the license for on–premises consumption by a patron who has purchased a ticket to a current or future showing of a movie on the licensed premises.

(d) (1) A license holder may sell beer or wine between the hours of 4 p.m. and midnight.

(2) Beer and wine may be sold only:

(i) in single–serve containers; and

(ii) from a counter separate from a counter serving food and nonalcoholic beverages.

(e) (1) Beer and wine may be consumed only in the lobby or public viewing theater of the licensed premises.

(2) A license holder may serve a patron only a single serving of beer or wine at a time, with a maximum of two servings of beer or wine per patron per day.

(3) The license holder may not allow alcohol purchased at the movie theater to be removed from the licensed premises.

(f) A license holder need not obtain a Sunday license under § 11–2004 of this title to provide alcoholic beverages on a Sunday.

(g) The license holder is subject to the alcohol awareness requirements under § 11–1902.1 of this title.

(h) The annual license fee is $1,200.

§11–1007.

(a) There is a racetrack license.

(b) (1) The Board may issue the license to the owner of a licensed racing establishment that holds race meetings at which pari–mutuel betting is allowed.

(2) There are no residential or voting qualifications for a license applicant.

(c) The racetrack license authorizes:

(1) the sale of beer, wine, and liquor in a location of the licensed racing establishment not covered by a racetrack concessionaire license that is issued in accordance with § 11–1007.1 of this subtitle; and

(2) the playing of music and dancing on the licensed premises.

(d) Beer, wine, and liquor sold under a racetrack license may be carried and consumed anywhere on the licensed premises.

(e) (1) The license holder may sell alcoholic beverages Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(2) A holder of a racetrack license need not obtain a Sunday license to sell alcoholic beverages on Sunday.

(f) A racetrack license may not be counted as a Class B license or a Class H license under § 11–1609 of this title.

(g) The annual license fee is $25,000 to be paid to the Board on or before January 1 for the racing of the preceding year.

§11–1007.1.

(a) There is a racetrack concessionaire license.

(b) (1) The Board may issue the license to a concessionaire operating in conjunction with a licensed racing establishment.

(2) The license holder may also hold a Class 5 brewery license or a Class 7 micro–brewery license.

(c) (1) The license authorizes:

(i) subject to item (iii) of this paragraph, the license holder to sell beer, wine, and liquor on the premises of the concessionaire for consumption on:

1. the licensed premises of the concessionaire; and

2. the licensed premises of the racing establishment;

(ii) the playing of music and dancing on the licensed premises of the concessionaire; and

(iii) if the license holder is also the holder of a Class 5 brewery license, the sale of only beer in accordance with § 2–207 of this article on the premises of the concessionaire for consumption on:

1. the licensed premises of the concessionaire; and

2. the licensed premises of the racing establishment.

(2) Alcoholic beverages purchased under the license may be taken into and consumed on the licensed premises of the racing establishment.

(d) (1) The hours and days for the sale and consumption of alcoholic beverages under the license are the same as the hours and days set out for a racetrack license under § 11–1007 of this subtitle.

(2) A holder of the license need not obtain a Sunday license under § 11–2004 of this title to sell alcoholic beverages after 2 a.m. on Sunday.

(e) The license may not be counted as a Class B or Class H license for purposes of § 11–1609 of this title.

(f) The annual license fee is $5,000.

§11–1008.

(a) In this section, "resort complex" means a recreational area:

(1) of at least 10 acres; and

(2) with beach facilities and other facilities to serve and accommodate at least 500 individuals at one time.

(b) There is a resort complex license.

(c) The Board may issue the license to the person owning or leasing a resort complex.

(d) The license authorizes:

(1) the license holder to sell beer, wine, and liquor at bars or counters at one or more locations in the resort complex daily for on–premises consumption; and

(2) the playing of music and dancing.

(e) (1) A license holder may serve alcoholic beverages:

(i) at one or more outside locations in the resort complex, from 8 a.m. to midnight for each outing; and

(ii) in a main, permanent area from 6 a.m. to 2 a.m. the next day.

(2) A holder of the license need not obtain a Sunday permit under § 11–2004 of this title to sell alcoholic beverages after 2 a.m. on Sunday.

(f) (1) The annual license fee is $1,800.

(2) The fee shall be paid on or before May 1 to the Board.

§11–1008.1.

(a) There is a Class C (small yacht club) license.

(b) An application for the license shall be signed by at least one officer of the club who is a resident, registered voter, and taxpayer of the county.

(c) The Board may issue the license for use by a small yacht club that:

(1) has at least 30 members paying dues of at least $75 per year per member; and

(2) at the time of application for the license, maintains:

(i) a clubhouse that is principally for the use of members and guests when accompanied by members; and

(ii) slips, boat parking spaces, or berths for at least 25 boats.

(d) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption at the place described in the license to:

(1) a member of the yacht club; or

(2) a member's guest when accompanied by the member.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 11–2004 of this title.

(f) Notwithstanding any other provision of law, a holder of the license may purchase alcoholic beverages from a retail dealer.

(g) The annual license fee is $525.

§11–1009.

(a) There is a Class C (veterans' organization) license.

(b) The Board shall issue the license for use by a local unit of a nationwide nonprofit organization or club that:

(1) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;

(2) has a charter from a national veterans' organization that was granted before the application for the license was made;

(3) has a bona fide membership of at least 100 individuals and dues of at least $5 per year per individual; and

(4) operates for its members and meets in a clubhouse principally used for its members.

(c) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption, including:

(i) during an event held on the licensed premises; and

(ii) to a member of the veterans' organization or a guest of the member.

(2) If the license holder hosts an event for an outside group, the outside group shall obtain a Class C per diem beer, wine, and liquor license from the Board.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C (veterans' organization) license under § 11–2004 of this title.

(e) (1) A holder of a Class C beer, wine, and liquor license issued under § 11–903 of this title that qualifies as a veterans' organization under subsection (b) of this section may apply to convert the license to a Class C (veterans' organization) license.

(2) The conversion to and issuance of a Class C (veterans' organization) license under paragraph (1) of this subsection shall be considered a license renewal and not an issuance of a new license.

(f) (1) The annual license fee is $300.

(2) The Board may provide application and administrative fee discounts to an organization that:

(i) qualifies as a veterans' organization under subsection (b) of this section; and

(ii) 1. holds a Class C (veterans' organization) license;

2. applies for an initial or renewal Class C (veterans' organization) license; or

3. holds a Class C beer, wine, and liquor license that is converted to a Class C (veterans' organization) license under subsection (e) of this section.

§11–1010.

(a) There is a Class C (yacht club) license.

(b) An application for the license shall be signed by at least one officer of the club who is a resident, registered voter, and taxpayer of the county.

(c) The Board may issue the license for use by a yacht club that:

(1) has at least 50 members paying dues of at least $75 per year per member; and

(2) at the time of application for the license, maintains:

(i) a clubhouse with a seating capacity of at least 100;

(ii) slips, boat parking spaces, or berths for at least 50 boats; and

(iii) at least 1 acre.

(d) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption at retail at the place described in the license to:

(1) a member of the yacht club; or

(2) a member's guest when accompanied by the member.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for Class C beer, wine, and liquor licenses under § 11–2004 of this title.

(f) The annual license fee is $1,800.

§11–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 11–1103 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 11–1103.1 of this subtitle.

§11–1102.

(a) (1) On the premises, or on adjacent property over which a license holder has ownership or control, a license holder:

(i) may allow piped–in background music or one television screen; but

(ii) unless issued a permit described in this section that authorizes the activity, may not allow:

1. the playing of music, including live music;

2. the operation of a karaoke machine;

3. the playing of music by a disc jockey; or

4. dancing, floor shows, or any other similar type of entertainment.

(2) The Board may issue a permit described in this section only if the Board finds that:

(i) the applicant can control the individuals using the licensed premises;

(ii) the operation of the premises under the permit will not unduly disturb the peace of the residents of the neighborhood in which the place of business is located; and

(iii) the issuing of the permit:

1. is necessary to accommodate the public;

2. will not be detrimental to the public welfare; and

3. will not violate a county fire, health, or building regulation.

(b) (1) There is a music permit.

(2) The Board may issue the permit to a holder of a Class B license, a Class BLX license, a Class D license, or a Class H license.

(3) The permit authorizes the playing of recorded music or live music with not more than two musicians.

(4) The permit holder may not allow dancing, floor shows, or similar live entertainment.

(5) The annual permit fee is $100.

(c) (1) There is an entertainment permit.

(2) The Board may issue the permit to a holder of a Class B license, a Class BLX license, a Class D license, or a Class H license.

(3) The permit authorizes:

(i) live music with not more than four musicians; and

(ii) the playing of:

1. more than one television;

2. a karaoke machine; and

3. music by a disc jockey.

(4) The permit holder may not allow dancing, floor shows, or similar live entertainment.

(5) The annual permit fees are:

(i) $200 for a holder of a beer and wine license; and

(ii) $300 for a holder of a beer, wine, and liquor license.

(d) (1) There is a dancing permit.

(2) The Board may issue the permit to a holder of:

(i) a Class B license;

(ii) except as provided in paragraph (4) of this subsection, a Class BLX license;

(iii) a Class C license;

(iv) a Class D license; or

(v) except as provided in paragraph (4) of this subsection, a Class H license.

(3) The permit authorizes the holder to provide music, dancing, and other legal forms of entertainment.

(4) (i) The Board may not issue the permit to a holder of a Class BLX license or a Class H license if the premises for which the Class BLX license or Class H license is issued is within 1,000 feet in a straight line from entry to entry from a place of worship or school.

(ii) Notwithstanding subparagraph (i) of this paragraph, the Board may issue the permit to the holder of a Class H license if the licensed premises is located within 1,000 feet in a straight line from entry to entry from a school located at the Annapolis Mall.

(5) The annual permit fees are:

(i) $200 for a holder of a beer and wine license;

(ii) $400 for a holder of a beer, wine, and liquor license; and

(iii) no charge for a holder of a Class C license.

(e) (1) There is a limited special event permit.

(2) The Board, in its sole discretion, may issue the permit to a holder of:

(i) a Class B license;

(ii) except as provided in paragraph (4) of this subsection, a Class BLX license;

(iii) a Class C license;

(iv) a Class D license; or

(v) except as provided in paragraph (4) of this subsection, a Class H license.

(3) The permit authorizes the holder to provide music, dancing, and other legal forms of entertainment.

(4) The Board may not issue the permit to a holder of a Class BLX license or a Class H license if the premises for which the Class BLX license or Class H license is issued is within 1,000 feet in a straight line from entry to entry from a place of worship or school.

(5) Before issuing a permit, the Board may require a license holder to provide information on the planned event for which the permit is requested.

(f) (1) There is an outdoor permit.

(2) The Board may issue the permit to a holder of a Class B license, a Class BLX license, a Class C license, a Class D license, or a Class H license.

(3) The permit authorizes the holder to provide outdoor table service to customers on the grounds of the licensed establishment.

(4) The annual permit fee is $100.

(5) Before the permit may be renewed, a holder shall obtain approval from the Board.

(g) (1) There is an outdoor entertainment permit.

(2) The Board may issue the permit to a holder of a Class B license, a Class BLX license, a Class C license, a Class D license, or a Class H license who also holds a music permit, an entertainment permit, or a dancing permit under this section.

(3) The permit authorizes the holder to provide:

(i) the same form of entertainment outdoors that the holder is allowed to provide indoors under the holder's music permit, entertainment permit, or dancing permit; and

(ii) outdoor table service or cafe service.

§11–1103.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) The annual permit fees are:

(1) $50 for an applicant whose license has an off–sale privilege; and

(2) $500 for an applicant whose license does not have an off–sale privilege.

§11–1103.1.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:

(i) $50 for an applicant whose license has an off–sale privilege; and

(ii) $500 for an applicant whose license does not have an off–sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§11–1104.

(a) This section does not apply to a person who holds:

(1) a hotel–limited service license; or

(2) a beach and amusement park license.

(b) There is a Sunday permit.

(c) Any license holder may be issued the permit.

(d) (1) The holder of the permit may sell the alcoholic beverages on Sunday that are authorized by the license already held.

(2) The permit is subject to the same hours, restrictions, and other provisions for the license already held.

(e) An applicant shall be issued the permit on:

(1) approval of an application made in the same manner for a new license; and

(2) payment of the required fee.

(f) The annual permit fees are:

(1) $60 for a beer and light wine Sunday permit; and

(2) $120 for a beer, wine, and liquor Sunday permit.

(g) The permit may be renewed in the same manner as a license.

(h) If the license held by the license holder of a Sunday permit is suspended or revoked, the permit is also suspended or revoked.

§11–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(3) § 4–1206 ("License to dispose of stock");

(4) § 4–1207 ("Temporary move of licensed premises");

(5) § 4–1208 ("Hours and days of sale"); and

(6) § 4–1209 ("Wine permit for fund–raising event").

(b) Section 4–1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 11–1311 of this subtitle.

(c) Section 4–1204 ("Class C per diem beer, wine, and liquor license") of Division I of this article applies in the county, subject to § 11–1312 of this subtitle.

§11–1304.

(a) In this section, "festival" means the Anne Arundel County Beer and Wine Festival, the Benson–Hammond House Strawberry Festival, or any other festival that the Board approves under this section.

(b) There is a beer and wine festival (BWF) license.

(c) (1) The Board may issue the license to a holder of a retail license, a Class 3 winery license, or a Class 4 limited winery license.

(2) The Board may issue the license to a nonprofit organization, as defined by § 501(c) of the Internal Revenue Code, that meets the requirements of:

(i) this section; and

(ii) any regulations that the Board adopts.

(d) The license authorizes the holder to display and sell:

(1) wine that is:

(i) manufactured and processed in any state; and

(ii) distributed in the State when the license application is filed; and

(2) beer that is brewed by a brewer:

(i) that brews less than 60,000 barrels of beer annually; and

(ii) whose product is distributed in the State when the license application is filed.

(e) 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 a festival.

(f) The Board:

(1) each year may choose 1 weekend, Friday through Sunday inclusive, for a festival to take place;

(2) may not choose a weekend that occurs within 14 days before or after the Maryland Wine Festival in Carroll County;

(3) shall choose a location that is not already licensed; and

(4) shall ensure that the primary focus of a festival is the promotion of Maryland beer and wine.

(g) (1) The license holder may hold another license of a different class or nature.

(2) The license holder may display and sell beer or wine at a festival without holding a nonprofit beer, wine, and liquor festival permit under § 2–131 of this article.

(h) Beer and wine displayed and sold shall be:

(1) invoiced to the license holder by a wholesaler, a Class 3 winery, or a Class 4 limited winery; and

(2) delivered to a festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder 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 2 days after the expiration date of the license.

(j) The Board may set the license fee.

(k) The Board shall adopt regulations to carry out this section.

§11–1305.

(a) There is a Class WS wine sampling license.

(b) The Board may issue the license to a nonprofit organization.

(c) (1) The license authorizes the on–premises consumption of wine for sampling:

(i) on premises for which a Class B beer and wine or beer, wine, and liquor license has been issued, with the consent of the holder of the license for the premises; or

(ii) at a location that is not already licensed.

(2) The license holder may bring wine onto the Class B licensed premises for sampling.

(d) The nonprofit organization shall apply for the license at least 15 days before the license is issued.

(e) The Board may issue not more than 12 licenses in a license year to a single nonprofit organization.

(f) The license holder may serve a quantity of not more than 2 ounces from each offering to an individual.

(g) The license fee is $15 per day.

§11–1306.

(a) There is a Class WT wine tasting license.

(b) The Board may issue the license to a holder of a Class BW license or Class BWL license.

(c) The license authorizes the license holder to allow on–premises consumption for tasting of light wine.

(d) The license holder may serve a quantity of not more than 1 ounce from each offering to an individual.

(e) The annual license fee is:

(1) $50 for a holder of a Class BW license; and

(2) $150 for a holder of a Class BWL license.

§11–1307.

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

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

(c) The license authorizes a license holder to allow on–premises consumption of beer and light wine for tasting.

(d) The license holder may serve to an individual:

(1) light wine in a quantity of not more than 1 ounce from each offering; and

(2) beer in a quantity of not more than 3 ounces.

(e) In addition to the Class A annual fee, the annual license fee is $150.

§11–1308.

(a) There is a BWLT beer, wine, and liquor tasting license.

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

(c) The license authorizes a license holder to allow on–premises consumption of beer, light wine, and liquor for tasting.

(d) The license holder may serve to an individual:

(1) liquor in a quantity of not more than one–half ounce each from any of five offerings per day;

(2) light wine in a quantity of not more than 1 ounce from each offering; and

(3) beer in a quantity of not more than 3 ounces.

(e) In addition to the Class A annual fee, the annual license fee is $500.

§11–1311.

(a) The fee for a Class C per diem beer license and a Class C per diem beer and wine license is $25 per day.

(b) The fee for a Class C per diem beer, wine, and liquor license is $50 per day.

§11–1312.

(a) Section 3–102 of the General Provisions Article and provisions regarding applications for licenses under Subtitle 14 of this title and issuance of licenses under Subtitle 15 of this title do not apply to an applicant for:

(1) a Class C per diem beer license;

(2) a Class C per diem beer and wine license; and

(3) a Class C per diem beer, wine, and liquor license.

(b) A Class C per diem beer, wine, and liquor license holder may purchase beer from a wholesaler.

§11–1401.

(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) § 4–106 ("Payment of notice expenses");

(3) § 4–108 ("Application form required by Comptroller");

(4) § 4–109 ("Required information on application — In general");

(5) § 4–111 ("Payment of license fees"); and

(6) § 4–114 ("Fees for licenses issued for less than 1 year").

(b) (1) Section 4–110 ("Required information on application – Petition of support") of Division I of this article does not apply in the county.

(2) Section 4–113 ("Refund of license fees") of Division I of this article does not apply in the county and is superseded by § 11–1407 of this subtitle.

(3) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article do not apply in the county to racetrack licenses or beach and amusement park licenses:

(i) § 4–103 ("Application on behalf of partnership");

(ii) § 4–104 ("Application on behalf of corporation or club"); and

(iii) § 4–105 ("Application on behalf of limited liability company").

(c) (1) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county except for racetrack license or beach and amusement park licenses:

(i) § 4–103 ("Application on behalf of partnership"), subject to § 11–1408 of this subtitle;

(ii) § 4–104 ("Application on behalf of corporation or club"), subject to § 11–1408 of this subtitle; and

(iii) § 4–105 ("Application on behalf of limited liability company"), subject to § 11–1408 of this subtitle.

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

(i) § 4–107 ("Criminal history records check"), subject to §§ 11–1403 and 11–1404 of this subtitle; and

(ii) § 4–112 ("Disposition of license fees"), subject to § 11–1406 of this subtitle.

§11–1402.

(a) An application for a license is not prima facie evidence that the applicant is entitled to the license.

(b) The applicant has the burden of proof to show the Board that approval of the license is necessary to accommodate the public at the premises of the applicant.

§11–1403.

(a) The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

(b) The Board may obtain criminal history record information on license applicants and their agents from the county police.

§11–1404.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

§11–1405.

(a) (1) An administrative fee shall be charged for an administrative action by the county that requires a hearing, including:

(i) an application for a new license; and

(ii) a change of ownership of a majority interest in a license.

(2) The administrative fee does not apply to the renewal of a license for the same premises.

(b) The administrative fee is:

(1) $200 payable to the Board, in addition to any other fee required for a license; and

(2) nonrefundable, whether the requested administrative action is granted or denied.

§11–1406.

The Board shall:

(1) collect all license fees required under this article;

(2) issue all licenses in the county; and

(3) remit all fees collected to the Executive Director.

§11–1407.

A retail license holder is not entitled to a refund for a license issued in the county.

§11–1408.

(a) An individual who is a resident of the State at the time an application for a license is filed under this title meets the residency requirements under §§ 4–103, 4–104, and 4–105 of this article.

(b) The license remains valid only for as long as the resident applicant remains a resident of the State.

§11–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–209 ("Hearing");

(5) § 4–210 ("Approval or denial of license application");

(6) § 4–211 ("License forms; effective date; expiration"); and

(7) § 4–212 ("License not property").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to §§ 11–1502 through 11–1504 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to §§ 11–1505, 11–1506, and 11–1507 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 11–1506 of this subtitle and Subtitle 13, Part III of this title;

(4) § 4–208 ("Notice of license application required"), subject to § 11–1508 of this subtitle;

(5) § 4–213 ("Replacement licenses"), subject to § 11–1509 of this subtitle; and

(6) § 4–214 ("Waiting periods after denial of license applications"), subject to § 11–1510 of this subtitle.

§11–1502.

The Board may not issue a license for use in the City of Annapolis.

§11–1503.

(a) The Board shall accept and process a license application before the construction of the establishment at the location described in the application, if the application includes detailed plans of:

(1) the establishment to be constructed;

(2) the parking area to be provided; and

(3) the general traffic flow in the area.

(b) (1) The license application shall be processed in the same manner as a license application for a location on which the establishment is already constructed.

(2) Approval of the application is subject to:

(i) completion of the establishment in accordance with the plans under subsection (a) of this section; and

(ii) approval by the county building inspector, the county health department, and an inspector for the Board.

(c) (1) If an approved license application is not used within 1 year after the date of approval, the approval is void unless the applicant files a written application with the Board for an extension.

(2) The Board may approve or deny an extension.

(3) The Board shall provide written notice to the applicant at the time of application that the approval is void if the license is not in use within 1 year after the date of approval.

§11–1504.

The Board may not issue a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license to a person that holds an out–of–state alcoholic beverages license.

§11–1505.

(a) Subject to subsection (b) of this section, unless expressly authorized by this article, a person may not have an interest in more than one license issued by the Board, regardless of whether that interest is held or controlled by direct or indirect ownership, stock ownership, interlocking directors or interlocking stock ownership, franchise operation, chain store operation, or any other direct or indirect manner.

(b) Except for an interest held or controlled by franchise operation or chain store operation, an individual may have an interest in more than one Class B license, Class H license, or Class BLX license issued by the Board, regardless of whether that interest is held or controlled by direct or indirect ownership, stock ownership, interlocking directors or interlocking stock ownership, or any other direct or indirect manner.

§11–1506.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and light wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§11–1507.

The prohibition against issuing multiple licenses to an individual or for use of an entity does not apply to:

(1) resort complexes;

(2) entertainment facilities, including entertainment concessions;

(3) motel–restaurant complexes;

(4) hotel–restaurant complexes having at least 100 rooms; or

(5) hotel–limited service (on–sale) licenses.

§11–1508.

(a) (1) The Board may fulfill the notice requirement under § 4–208 of this article by posting online a completed application at least 10 days before the application hearing.

(2) In addition to the newspaper notice required under § 4–208 of this article or the online notice required under paragraph (1) of this subsection, the Board shall require the applicant for a license to post a suitable notice, similar to a notice used for zoning purposes, in a conspicuous place at the location described in the application for at least 10 days before the application hearing.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

§11–1509.

The Board shall determine the fee for a replacement license.

§11–1510.

(a) If a license application is denied, another license application for the same location may not be made for 1 year after the denial.

(b) If a license application for a location is denied twice, a license may not be issued for the same location for 2 years after the second denial.

§11–1601.

(a) (1) The Board may restrict the number of licenses in a specified area in the county to the existing number of licenses in that area or to any other number of licenses that the Board considers appropriate.

(2) Before the number of licenses in a specified area is restricted, the Board shall conduct a hearing in accordance with subsection (b) of this section.

(b) (1) A hearing on a proposed restriction of the number of licenses in a specified area shall be advertised in the manner required for the issuance of a new license.

(2) If, after taking testimony for and against restricting the number of licenses in a specified area, the Board decides to order the restriction, the Board:

(i) shall determine the boundaries of the area; and

(ii) may prohibit the issuance of additional licenses or establish the number of additional licenses to be issued in the area, if the Board determines that the area has:

1. sufficient licensed premises to accommodate the public;

2. become so saturated with licensed premises that special policing is required and traffic hazards are created; or

3. changed character so that the existing number of licensed premises is inconsistent with the current use of the area, and an increase in the number of licensed premises will unduly disturb the peace of residents.

(3) (i) The Board may restrict the number of licenses in a specified area for a period between 1 and 4 years.

(ii) After the period that the Board sets, the restrictions shall end unless the Board holds another hearing and further restricts the number of licenses.

(c) The Board shall conduct a hearing on restricting the number of licenses in a specified area if the Board receives a petition that:

(1) requests the restriction;

(2) designates the specific area to be restricted; and

(3) is signed by at least 25 individuals who are property owners and registered voters of the precinct in which the proposed restricted area is located.

§11–1602. IN EFFECT

(a) In this section, "assessment district" means a tax assessment district:

(1) established by the county; and

(2) shown on the official map adopted by the County Council titled "Tax Assessment Districts, 2005".

(b) Subject to subsection (c) of this section, the Board may issue a Class A (off–sale), Class B (off–sale), or Class D (off–sale) license based on its determination of whether the license is necessary to accommodate the public.

(c) If the application is for a Class A (off–sale) or Class D (off–sale) license, the Board may not issue the license if:

(1) the establishment for which the license would be issued is located in an assessment district in which the ratio of off–sale licenses per individual exceeds one for every 3,500 individuals; or

(2) the issuance of the license would cause the ratio of off–sale licenses per individual in an assessment district to exceed one for every 3,500 individuals.

(d) Subsection (c) of this section does not apply:

(1) to the transfer or renewal of a license that was issued on or before July 1, 2025;

(2) in the 6th tax assessment district; or

(3) to an application for an on–site consumption permit under § 2–207 of this article by an applicant that holds a Class 5 brewery license.

(e) The population of each assessment district is to be determined by:

(1) the latest federal census; or

(2) estimates prepared by the Anne Arundel County Office of Planning and Zoning.

(f) The Board may not approve the transfer of a Class A (off–sale) license or Class D (off–sale) license:

(1) to a location outside the assessment district in which the license was located on July 1, 2025; or

(2) if the license was not in existence as of July 1, 2025, to a location outside the assessment district in which the license was originally issued.

§11–1602. // EFFECTIVE DECEMBER 31, 2028 PER CHAPTERS 818 AND 819 OF 2025 //

(a) In this section, "assessment district" means a tax assessment district established by the county through local law.

(b) The Board may issue a Class A (off–sale), Class B (off–sale), or Class D (off–sale) license based on its determination of whether the license is necessary to accommodate the public.

(c) In making its determination, the Board may consider whether the establishment for which the license would be issued is in:

(1) an assessment district in which the ratio of off–sale licenses per individual is more than one per 4,000 individuals; or

(2) an assessment district in which the ratio of off–sale licenses per individual is less than one per 4,000 individuals.

§11–1603.

(a) Except as provided in subsection (b) of this section, the Board may not issue a new license for an establishment whose entry is within 1,000 feet in a straight line from the entry of a place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) the transfer of a license from the current license holder to a new license holder, unless the transfer would allow the sale of alcoholic beverages by another establishment within the 1,000–foot restriction;

(2) a nonprofit club or nonprofit organization;

(3) a restaurant that held a license at the time the restaurant was destroyed by fire, flood, windstorm, or other act of God, if a new place of worship or school has not been constructed within the 1,000–foot restriction;

(4) the issuance of a Class H beer and wine (on–sale) license or beer, wine, and liquor (on–sale) license;

(5) the issuance of a motel–restaurant complex or hotel–restaurant complex beer, wine, and liquor (on–sale) license;

(6) the issuance of a Class BLX (deluxe restaurant) (on–sale) beer, wine, and liquor license;

(7) the issuance of a gift basket permit; or

(8) the issuance of a Class B beer and wine (on–sale) license or Class B beer, wine, and liquor (on–sale) license for an establishment located within 1,000 feet of a school located at the Annapolis Mall.

(c) For an establishment that is within 1,000 feet of the grounds of a place of worship or school, the Board:

(1) may renew a license;

(2) may extend the area of the licensed premises; but

(3) may not change the operational classification of an existing license, unless the change is from a Class B, Class C, or Class D license to a Class H license.

§11–1604.

The Board may not issue a Class H beer and light wine license:

(1) for use in conjunction with, on the site of, or to a restaurant in a bowling alley, billiard hall, or drugstore; or

(2) for use in an establishment with a door, an archway, an opening, or other passageway providing direct public access to a bowling alley, billiard hall, or drugstore.

§11–1607.

(a) (1) A license holder may hold not more than 10 licenses of any class in accordance with this section.

(2) Of the licenses held by a license holder:

(i) not more than four licenses may be licenses in which the license holder holds a direct interest; and

(ii) the remaining licenses may only be licenses in which the license holder holds an indirect interest, as evidenced by any of the following relationships involving the license holder and another license holder or the license holder and an applicant for a license:

1. a common parent company;

2. a franchise agreement;

3. a licensing agreement;

4. a concession agreement;

5. membership by the license holder and the other person in a chain of businesses commonly owned and operated and so portrayed to the public;

6. sharing of directors or stockholders or sharing of directors or stockholders of parent companies or subsidiaries;

7. common direct or indirect sharing of profit from the sale of alcoholic beverages;

8. sharing of a common trade name, trademark, logo, or theme; or

9. except for hotels and motels, sharing of a mode of operation identifiable by the public.

(b) The Board may issue one Class B license, Class BLX license, or Class H license to a person for a restaurant located anywhere in the county.

(c) The Board may issue a second license to a license holder if:

(1) the license holder holds a Class B license that has a restriction prohibiting off–sales, a Class H license, or a Class BLX license;

(2) the license sought is a Class H license or a Class BLX license; and

(3) the restaurant for which the license is sought is located in:

(i) the Glen Burnie Urban Renewal Area;

(ii) the Parole Town Center Growth Management Area;

(iii) the Odenton Town Center Growth Management Area;

(iv) the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the county in accordance with § 6–301(f)(8) of the Economic Development Article;

(v) a shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 General Commercial or MXD–C (Mixed Use Commercial) by the zoning article of the County Code;

(vi) the Route 198 corridor, consisting of properties located within 500 feet of the right–of–way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George's County–Anne Arundel County line on the west;

(vii) a community revitalization zone with a designation in the series "A" through "P", inclusive, as shown on the map adopted by the County Council by Bill 97–01 of the county ordinances;

(viii) the Severn Commercial District, consisting of properties designated as "commercial zoning" by the comprehensive rezoning maps adopted by the County Council and located on that portion of Maryland Route 174 west of Maryland Route 100 and east of the railroad right–of–way owned by the National Railroad Passenger Corporation (Parcel 117, Anne Arundel County Tax Map 29);

(ix) the Edgewater/Mayo Commercial District, consisting of those properties that are designated "commercial zoning districts" on the comprehensive rezoning maps adopted by the County Council for the Edgewater/Mayo Small Area Planning District;

(x) the Pasadena Commercial District, consisting of those properties that are designated "commercial zoning areas", including Lake Shore Crossing, Lake Shore Plaza, and the Mountain Marketplace Shopping Center on the comprehensive zoning maps adopted by the County Council for the Pasadena Small Area Planning District; or

(xi) the area in Pasadena known as the Brumwell Property.

(d) The Board may issue a third license to a license holder if:

(1) the license sought is a Class BLX license; and

(2) the restaurant for which the license is sought is located in:

(i) the Glen Burnie Urban Renewal Area;

(ii) the Parole Town Center Growth Management Area;

(iii) the Odenton Town Center Growth Management Area;

(iv) the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the county in accordance with § 6–301(f)(8) of the Economic Development Article;

(v) a shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 General Commercial or MXD–C (Mixed Use Commercial) by the zoning article of the County Code;

(vi) the Route 198 corridor, consisting of properties located within 500 feet of the right–of–way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George's County–Anne Arundel County line on the west;

(vii) a community revitalization zone with a designation in the series "A" through "P", inclusive, as shown on the map adopted by the County Council by Bill 97–01 of the county ordinances;

(viii) the Severn Commercial District, consisting of properties designated as "commercial zoning" by the comprehensive rezoning maps adopted by the County Council and located on that portion of Maryland Route 174 west of Maryland Route 100 and east of the railroad right–of–way owned by the National Railroad Passenger Corporation (Parcel 117, Anne Arundel County Tax Map 29);

(ix) the Edgewater/Mayo Commercial District, consisting of those properties that are designated "commercial zoning districts" on the comprehensive rezoning maps adopted by the County Council for the Edgewater/Mayo Small Area Planning District;

(x) the Pasadena Commercial District, consisting of those properties that are designated "commercial zoning areas", including Lake Shore Crossing, Lake Shore Plaza, and the Mountain Marketplace Shopping Center on the comprehensive zoning maps adopted by the County Council for the Pasadena Small Area Planning District; or

(xi) the area in Pasadena known as the Brumwell Property.

(e) (1) The Board may issue a fourth, fifth, sixth, seventh, eighth, ninth, or tenth license to a license holder if the license sought is a Class BLX license.

(2) The restaurant for which the license is sought may be located anywhere in the county.

(f) (1) Except as provided in paragraph (2) of this subsection, a license that was issued on or before June 30, 2006, and in which a license holder holds a direct interest or an indirect interest shall be counted against the maximum number of 10 licenses that the license holder may hold under this section but is exempt from the restrictions under subsections (b) through (e) of this section.

(2) A Class H license that was issued in the period beginning on March 14, 2005, and ending on December 1, 2005, may not be counted against the maximum number of 10 licenses that the license holder may hold under this section.

(g) The Board shall adopt regulations to carry out this section.

§11–1608.

(a) (1) In this section the following words have the meanings indicated.

(2) "Capital investment" means amounts paid for the acquisition of property:

(i) for a useful life greater than 1 year; or

(ii) for a permanent improvement or betterment of the property that has a useful life greater than 1 year.

(3) "Cost of land" includes:

(i) the purchase price, taxes and fees incidental to the purchase, and costs related to obtaining appropriate zoning and licensing;

(ii) the cost of site grading, preparation, paving, sidewalks, gutters, curbs, and landscaping; and

(iii) the cost of the construction and installation of all utilities to the exterior of the building shell.

(4) "Cost of the building shell" includes the cost attributable to a structure with a roof, sidewalls, doors, and windows completely enclosed and weatherproofed on a slab or other subflooring.

(b) The Board may issue a 7–day Class BLX deluxe restaurant on–sale beer, wine, and liquor license.

(c) The license may only be used in an establishment that:

(1) qualifies as a restaurant under the regulations of the Board;

(2) has a minimum seating capacity of 100 individuals for dining;

(3) has a cocktail lounge or bar area seating capacity not exceeding 25% of the seating capacity for dining;

(4) has parking facilities to accommodate a minimum of 75 vehicles; and

(5) has a minimum capital investment by the applicant for the license of $800,000, exclusive of the cost of the land and buildings.

(d) (1) If an applicant for the license purchases an existing building, the capital investment attributable to the cost of the building shell will be based on the fair market value of the structures for which the cost of the building shell was incurred, determined at the time of purchase.

(2) The capital investment, excluding land and building shell, shall also be evaluated at the fair market value at the time of purchase.

(3) If the premises are leased, the rent paid for the land shall be considered a cost of land and any rent paid for a building shall be considered a cost of the building shell.

(e) The license may not be issued for use in an establishment that is a fast–food style restaurant.

(f) A license holder may exercise the privileges of sale under a Class BLX license during the same hours and days as those for a Class B on–sale beer, wine, and liquor license in the county.

(g) (1) This subsection does not apply to a transfer of license holders for the same premises or a renewal of a Class BLX license.

(2) A Class BLX license may not be transferred from the location site of the first issuance of the license.

(h) The annual license fee is $1,200.

(i) The Board shall adopt regulations to carry out this section.

§11–1609.

(a) (1) Subject to paragraph (2) of this subsection, the Board may issue:

(i) a second license, if the second license is any Class H license, to:

1. a holder of any Class B license that has a restriction prohibiting sales for consumption off the premises; or

2. a holder of any Class H license; or

(ii) not more than four additional licenses, if each additional license is a Class H beer and light wine license, to:

1. a holder of a Class B beer and light wine license that has a restriction prohibiting sales for consumption off the premises; or

2. a holder of a Class H beer and light wine license.

(2) At least one restaurant for which the Class H license under paragraph (1) of this subsection is sought or to which the original Class B or Class H license applies must be in:

(i) a suburban community center designated by the county in accordance with Bill Nos. 36–96 and 70–96 of the county ordinances; or

(ii) one of the following locations as the location existed on October 1, 1999:

1. the Glen Burnie Urban Renewal Area;

2. the Parole Town Center Growth Management Area;

3. the Odenton Town Center Growth Management Area;

4. the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the county in accordance with § 6–301(f)(8) of the Economic Development Article;

5. a shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 General Commercial by the zoning article of the County Code; or

6. the Route 198 corridor, consisting of properties located within 500 feet of the right–of–way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George's County–Anne Arundel County line on the west.

(b) The Board may not issue more than 60 Class H licenses under this section.

(c) (1) Subject to paragraph (2) of this subsection, the Board may issue a maximum of:

(i) two licenses to a person in the county if each license is a Class H beer, wine, and liquor license; or

(ii) five licenses to a person in the county if each license is a Class H beer and light wine license.

(2) At least one restaurant for which one of the Class H licenses under paragraph (1) of this subsection is sought must be in:

(i) a suburban community center designated by the county in accordance with Bill Nos. 36–96 and 70–96 of the county ordinances; or

(ii) one of the following locations as the location existed on October 1, 1999:

1. the Glen Burnie Urban Renewal Area;

2. the Parole Town Center Growth Management Area;

3. the Odenton Town Center Growth Management Area;

4. the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the county in accordance with § 6–301(f)(8) of the Economic Development Article;

5. a shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 General Commercial by the zoning article of the County Code; or

6. the Route 198 corridor, consisting of properties located within 500 feet of the right–of–way of Maryland Route 198, from Route 32 on the east to the Prince George's County–Anne Arundel County line on the west.

(d) A franchisor may not have a direct ownership interest, as defined by the Board, in more than five licenses under this section.

(e) The Board shall adopt regulations:

(1) to carry out this section; and

(2) that define "direct ownership interest" for the purposes of subsection (d) of this section.

§11–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house"); and

(2) § 4–304 ("Compliance with Bulk Transfers Act required").

(b) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory"), subject to § 11–1702 of this subtitle;

(2) § 4–305 ("Filing fee and endorsement"), subject to § 11–1703 of this subtitle; and

(3) § 4–306 ("Substitution of names of officers on license"), subject to § 11–1706 of this subtitle.

§11–1702.

(a) (1) Subject to subsection (b) of this section, the Board may not approve an application for the transfer of a license unless:

(i) all obligations of the transferor pertaining to the licensed establishment have been paid; or

(ii) an arrangement concerning debts and obligations satisfactory to the transferor's creditors has been made.

(2) Paragraph (1) of this subsection also applies to approval of an application for a new license if the Board believes that the application is being used to avoid provisions regarding the transfer of a license.

(b) (1) The Board is not bound by subsection (a) of this section unless:

(i) a creditor submits a claim, under affidavit, to the Board before the hearing held on the transfer; and

(ii) the claim involves an indebtedness incurred through the purchase or sale of alcoholic beverages in connection with the licensed premises.

(2) If the Board determines that a properly filed claim is outside the expertise of the Board, the Board may approve an application for the transfer of a license or an application for a new license if there is:

(i) an amicable resolution of the claim; or

(ii) a judicial determination on the claim.

(c) Within 1 year after the date of final approval by the Board, and in accordance with all applicable laws and regulations on transfers of licenses, an approved applicant may transfer the license to other premises within one–half mile if the premises for which the license was issued is:

(1) substantially destroyed by fire, explosion, or catastrophe;

(2) taken by condemnation;

(3) taken by the exercise of the power of eminent domain; or

(4) no longer leased by the license holder due to the delay of a court case or other administrative process delay.

§11–1703.

(a) This section does not apply to a club license.

(b) The fee for a transfer of location or ownership of a license is $200.

§11–1704.

Notwithstanding § 11–1505 of this title, a person that has an interest in more than one license may transfer each license to a similar type of business establishment.

§11–1705.

(a) A license may not be transferred unless the license holder has actively engaged in the sale of alcoholic beverages as authorized by the license within 1 year before the date of application for transfer.

(b) An attempted transfer of a dormant license not in accordance with this section is void.

§11–1706.

(a) (1) In addition to the conditions stated under § 4–306(a) of this article, a corporation or club holding a license may substitute on the license the name of a different officer for the name of any officer who:

(i) has moved from the county; or

(ii) no longer has a financial interest in the corporation or club.

(2) The substitution may not be accompanied by a sale of corporate stock that results in a change of the controlling interest of the corporation or club.

(b) The corporation or club may apply to the Board for a substitution by submitting a letter that is signed by the new license applicant and the two remaining license holders.

(c) The Board may not approve the application for the substitution unless:

(1) all obligations of the corporation or club have been paid; or

(2) an arrangement concerning debts and obligations satisfactory to the creditors of the corporation or club has been made.

(d) (1) On the approval of the Board and the payment of the necessary costs and fees, a corrected license shall be issued.

(2) In all other cases a formal transfer of the license shall be accomplished in accordance with §§ 4–302, 4–304, and 4–305 of this article.

§11–1801.

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

§11–1802.

An applicant for a license renewal shall pay to the local collecting agent a nonrefundable renewal fee of $50 in addition to the annual license fee.

§11–1803.

Notwithstanding § 11–1504 of this title, the Board may renew a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license originally issued to a holder of an out–of–state alcoholic beverages license.

§11–1804.

Notwithstanding § 11–1505 of this title, a person that has an interest in more than one license may renew the licenses.

§11–1805.

(a) (1) (i) A license may not be renewed unless the license holder has actively engaged in the sale of alcoholic beverages as authorized by the license within 1 year before the date of application for renewal.

(ii) An attempted renewal of a dormant license not in accordance with this section is void.

(2) Except as provided in paragraph (3) of this subsection, the reissuance of a dormant license is subject to the hearing, notice, and other provisions of Title 4, Subtitle 2 of this article.

(3) The Board may renew or reissue the dormant license of a license holder without holding a hearing if:

(i) the main building of the licensed premises has been destroyed by fire, wind, or flood; and

(ii) the license holder proves that substantial efforts are being made to restore, replace, or repair the licensed premises.

(b) (1) A license reissuance is in effect for 1 year after the Board approves the reissuance.

(2) The license holder may seek a reissuance for an additional year by following the procedures of this section.

(3) The license holder shall pay the annual license fee for each year of the reissuance, including any year that the licensed premises is not open.

§11–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 11–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 11–1902.1 of this subtitle.

§11–1902.

(a) A holder of a Class A license may employ an individual at least 16 years old to stock alcoholic beverages.

(b) An individual at least 18 years old may serve alcoholic beverages while acting as a server.

(c) An individual under the age of 21 years may not act as a bartender or in any solely bar–related capacity.

§11–1902.1.

(a) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(1) be certified by an approved alcohol awareness program; and

(2) be present on the licensed premises at all times when alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or a suspension or revocation of the license or both.

§11–1903.

(a) A holder of a Class D beer, wine, and liquor license may sell alcoholic beverages or allow alcoholic beverages to be provided only in a room with at least one plain glass window facing the street.

(b) (1) The window shall enable an individual standing on the ground to observe the interior of the premises when sales of alcoholic beverages are prohibited.

(2) The view afforded by the window may not be obstructed when sales of alcoholic beverages are prohibited.

§11–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption of alcoholic beverages that is prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§11–2003.

(a) (1) A holder of a Class A beer and light wine license may sell beer and light wine on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer or light wine after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer and light wine on Sunday according to terms that the license states.

(b) (1) A holder of a Class B beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer or light wine after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer and light wine on Sunday according to terms that the license states.

(4) The license holder may sell or provide beer and light wine at a bar or counter on any day on which the sale of beer and light wine is allowed by law.

(c) (1) A holder of a Class C beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer or light wine after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer and light wine on Sunday according to terms that the license states.

(4) The license holder may sell or provide beer and light wine at a bar or counter on any day on which the sale of beer and light wine is allowed by law.

(d) (1) A holder of a Class D beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer or light wine after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer and light wine on Sunday according to terms that the license states.

(e) (1) A holder of a Class H beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer or light wine after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer and light wine on Sunday according to terms that the license states.

§11–2004.

(a) (1) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer, wine, or liquor after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer, wine, and liquor on Sunday according to terms that the license states.

(b) (1) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer, wine, or liquor after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer, wine, and liquor on Sunday according to terms that the license states.

(4) The license holder may sell or provide beer, wine, and liquor at a bar or counter on any day on which the sale of beer, wine, and liquor is allowed by law.

(c) (1) Except as provided in paragraph (4) of this subsection, a holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraphs (3) and (4) of this subsection, the license holder may not sell beer, wine, or liquor after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer, wine, and liquor on Sunday according to terms that the license states.

(4) A holder of a Class C (veterans' organization) license under § 11–1009 of this title may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day without obtaining a Sunday license under paragraph (3) of this subsection.

(5) The license holder may sell or provide beer, wine, and liquor at a bar or counter on any day on which the sale of beer, wine, and liquor is allowed by law.

(d) (1) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer, wine, or liquor after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer, wine, and liquor on Sunday according to terms that the license states.

(e) (1) A holder of a Class H beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, the license holder may not sell beer, wine, or liquor after 2 a.m. on Sunday.

(3) The Board may issue to the license holder a Sunday license that authorizes the sale of beer, wine, and liquor on Sunday according to terms that the license states.

§11–2005.

Except as otherwise provided in this article, a license holder may not sell alcoholic beverages after 2 a.m. on Sunday.

§11–2006.

A holder of an on–sale license may not be required to close the licensed premises at any time on January 1.

§11–2007.

(a) Except as provided in subsection (b) of this section and § 11–2006 of this subtitle, a licensed premises may not remain open to the public or to a private person for any purpose for more than 15 minutes after the hours and days of sale specified in this title, even if alcoholic beverages are not sold.

(b) (1) The Board may allow a license holder to sell food or other nonalcoholic items until a specified time if:

(i) the applicant satisfies the Board that suitable precautions have been taken to prevent the sale or consumption of alcoholic beverages on the licensed premises after the hours of closing; and

(ii) the applicant holds:

1. a Class B license;

2. a motel/hotel–restaurant complex license, as described in § 11–907 of this title;

3. a Class A license, with retail sales of alcoholic beverages not exceeding 25% of the license holder's total retail volume; or

4. a Class H license.

(2) The Board shall issue a permit to a license holder who receives permission to sell nonalcoholic items under this subsection.

(c) The annual fee for the privilege to sell food or other nonalcoholic items after hours is $10.

(d) A person who violates this section is subject to the same penalty imposed for selling alcoholic beverages after hours.

§11–2008.

(a) Subject to subsection (b) of this section, the Board may authorize a bowling alley with 20 lanes or more that has a Class B or Class D license to stay open for bowling and serve food until a specified hour.

(b) (1) All alcoholic beverages shall be kept under lock and key from 2 a.m. to 6 a.m.

(2) An individual under 18 years old may not be on the premises from 2 a.m. to 6 a.m. unless the individual is accompanied by a spouse, parent, or guardian.

§11–2009.

Notwithstanding any other provision of this article, when a per diem license is issued under Subtitle 11, Part 3 of this title, a holder of a wholesaler's license may agree with the holder of the Class C license to deliver beer on the effective date of the license and accept returns on the same day.

§11–2010.

(a) In this section, "premises" means:

(1) a restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment;

(2) a place open to the public; or

(3) a place licensed by the State or the county.

(b) (1) Except as provided in paragraph (2) of this subsection, a person may not provide or allow to be consumed on the premises or on premises under its possession or control any alcoholic beverages other than as specifically allowed under this article.

(2) Paragraph (1) of this subsection does not apply to the room of a registered guest in a hotel, motel, or hospice.

(c) A person who knowingly allows consumption in violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $250.

§11–2011.

A patron may consume an alcoholic beverage authorized by law to be sold at a bar or counter on a day on which the sale of the alcoholic beverage is authorized by law.

§11–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–604 ("Grounds for revocation or suspension"); and

(3) § 4–606 ("Effects of revocation").

(b) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county:

(1) § 4–603 ("Revocation and suspension procedures"), subject to §§ 11–2102 and 11–2103 of this subtitle; and

(2) § 4–605 ("Nudity and sexual displays"), subject to § 11–2104 of this subtitle.

§11–2102.

(a) (1) In addition to the revocation and suspension procedures provided under § 4–603 of this article, the Board may immediately suspend a license if it is alleged by a person specified under paragraph (2) of this subsection that the license holder has sold or provided alcoholic beverages to an individual under the age of 21 years with such frequency and during such a limited time so as to demonstrate a willful failure to comply with § 6–304 of this article.

(2) An allegation under paragraph (1) of this subsection may be made by:

(i) the Comptroller or an agent or employee of the Comptroller;

(ii) the Executive Director or an agent or employee of the Executive Director;

(iii) the Board or an agent or employee of the Board; or

(iv) a peace officer.

(b) A suspension under this section may not exceed 7 days.

(c) If a license is suspended under this section, the Board shall:

(1) hold a hearing on the matter within 7 days after the suspension begins; and

(2) give notice to the license holder at least 2 days before the hearing.

(d) If the Board fails to provide the license holder with notice of a hearing before the end of the fifth day after a suspension begins:

(1) the suspension shall end; and

(2) the license holder shall be allowed to resume the sale of alcoholic beverages on the next day allowed under the license.

(e) This section does not prevent a license holder whose license is suspended under this section from seeking an injunction or other appropriate relief.

§11–2103.

(a) Subject to subsection (b) of this section, instead of ordering the revocation or suspension of a license, the Board may order a license holder to exchange the license for a lesser license:

(1) under which only alcoholic beverages of a lower alcoholic content or of a more limited kind than under the license ordered exchanged may be sold; and

(2) that has fewer privileges or more or greater restrictions than the license ordered exchanged.

(b) Subsection (a) of this section applies only if:

(1) after a hearing, the Board finds that a license holder or the operation of a licensed premises has violated or is violating this article; and

(2) the penalty for the violation requires or allows a license to be revoked or suspended.

§11–2104.

(a) This section applies only to an entertainment facility license issued under § 11–1005 of this title.

(b) Notwithstanding the mandatory revocation requirement for local licensing boards under § 4–605(a) of this article, after a finding that an activity listed in § 4–605 of this article has occurred, the Board may revoke the license**.**

§11–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§11–2301.

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4–802 ("Expiration of license on death of license holder");

(2) § 4–804 ("Transfer or reinstatement of license");

(3) § 4–805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4–806 ("Refund").

(b) Section 4–803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 11–2302 of this subtitle.

§11–2302.

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

(i) the surviving spouse;

(ii) the surviving partners for the benefit of the partnership; or

(iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

(i) for the balance of the license year; and

(ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

(1) the surviving spouse;

(2) the surviving partners of a partnership; or

(3) the senior surviving officer of a corporation for the benefit of the corporation.

§11–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§11–2402.

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

§11–2501.

A person may not give or allow to be consumed on the premises or on premises under its control or possession an alcoholic beverage other than as authorized under this article.

§11–2502.

(a) This section applies to an establishment that:

(1) includes a restaurant, hotel, club, room, dance studio, disco, place of public entertainment, and place open to the public; and

(2) is subject to a license issued by the State or the county other than a license issued under this article.

(b) An owner or a manager of an establishment under subsection (a) of this section may not serve, keep, or allow to be consumed by a customer alcoholic beverages from supplies that the customer purchased, reserved, or brought to the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§11–2503.

(a) This section does not apply to the room of a registered guest in a hotel, motel, or hospice.

(b) Except as provided elsewhere in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) a restaurant, tavern, hotel, club, dance studio, or disco;

(2) a place open to the public;

(3) a place of public entertainment;

(4) a place that is licensed by the State or the county; or

(5) a place at which setups or other component parts of mixed alcoholic drinks are sold under a license issued under the Business Regulation Article.

(c) An owner or a manager of an establishment or a place specified in subsection (b) of this section may not knowingly allow consumption of alcoholic beverages between the hours provided in subsection (b) of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $250.

§11–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–205 ("Peace officers");

(4) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(5) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(6) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(7) § 6–209 ("Adoption of standards for authorization of consumption"); and

(8) § 6–211 ("Fines and forfeitures").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 11–2602 of this subtitle.

(c) Section 6–204 ("Power to summon witnesses") of Division I of this article applies in the county, in addition to § 11–2604 of this subtitle.

§11–2602.

The county may:

(1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

§11–2603.

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

(c) (1) The Board shall charge fees for the production and service of a summons.

(2) The fees may be assessed only against a license holder or party whom the Board has adjudicated responsible for a violation of a law concerning alcoholic beverages.

(3) The fees are:

(i) $20, for the production of a summons by the clerk to the Board;

(ii) $5, for an address provided by the clerk to the Board and the service is by mail; and

(iii) $30, for each address if the service is by an investigator employed by the Board.

(4) In addition to other fines, penalties, or costs that may be imposed, the Board shall also impose costs of $100 against a license holder or party whom the Board has found to have violated a law concerning alcoholic beverages.

§11–2604.

In addition to the sheriff who may serve a summons under § 6–204 of this article, an inspector that the Board employs and county police may serve a summons.

§11–2605.

An inspector who investigates a license violation may issue a civil citation as provided in § 10–119 of the Criminal Law Article.

§11–2606.

The Board may call on other county administrative departments and all prosecuting officers to provide information and assistance that the Board considers necessary to carry out this article.

§11–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–310 ("Providing free food");

(4) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(5) § 6–312 ("Beverage misrepresentation");

(6) § 6–313 ("Tampering with alcoholic beverage container");

(7) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(8) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(9) § 6–316 ("Maximum alcohol content");

(10) § 6–317 ("Multiple serving purchase required");

(11) § 6–320 ("Disorderly intoxication");

(12) § 6–321 (“Consumption of alcoholic beverages in public”);

(13) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(14) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(15) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(16) § 6–328 (“Tax evasion”);

(17) § 6–329 (“Destruction of evidence”); and

(18) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article do not apply in the county:

(1) § 6–308 (“Allowing on–premises consumption of alcoholic beverages not purchased from license holder”);

(2) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);

(3) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”); and

(4) § 6–322 (“Possession of open container”).

(c) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

(1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 11–2702 of this subtitle; and

(2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 11–2703 of this subtitle.

§11–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual is not a resident of the State.

(c) The Board may not proceed against a license holder for a violation of § 6–304 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

§11–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The Board may not proceed against a license holder for a violation of § 6–307 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

§11–2704.

(a) In this section, "premises" includes a building, parking lot, picnic grounds, terrace, or grounds that form an integral part of the licensed premises.

(b) Except as provided in subsection (c) of this section:

(1) an individual may not consume, display, or possess on the licensed premises an alcoholic beverage not purchased from the license holder; and

(2) a license holder may not allow an individual to consume, display, or possess on the licensed premises an alcoholic beverage that is not purchased from the license holder.

(c) A holder of a beach and amusement park license may grant written permission to a patron of the license holder's beach or park to bring and consume on the licensed premises an alcoholic beverage not purchased from the license holder.

§11–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§11–2802.

(a) The Board may impose a fine not exceeding $2,500 or suspend a license or both for a violation that is cause for license suspension under the alcoholic beverage laws affecting the county.

(b) A fine or suspension under subsection (a) of this section is in addition to any term or condition that the Board may impose as a result of the violation.

§12–101.

(a) In this title:

(1) except as provided in subsection (e) 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 Baltimore City.

(c) "City" means Baltimore City.

(d) "Light wine" means wine that contains not more than 15.5% of alcohol by volume.

(e) The definition of "restaurant" under § 1–101 of this article applies in the City, subject to § 12–104 of this subtitle.

(f) "Total daily receipts" does not include:

(1) sales of novelty items;

(2) income from vending machines; or

(3) other receipts not resulting from the sale of food or beverages.

§12–102.

This title applies only in Baltimore City.

§12–103.

(a) Subject to subsections (b) and (c) of this section, the Mayor and City Council may adopt an ordinance restricting the placement on the side of a building or any other publicly visible location of any form of advertising for alcoholic beverages, including a sign, a poster, a placard, a device, a graphic display, an outdoor billboard, and a freestanding signboard.

(b) An ordinance may be adopted if:

(1) the ordinance is necessary to promote the welfare and temperance of minors exposed to advertisements for alcoholic beverages placed in publicly visible locations, including outdoor billboards, sides of buildings, and freestanding signboards; and

(2) the restrictions do not unduly burden legitimate business activities of a license holder to sell alcoholic beverages at retail.

(c) The ordinance may not restrict:

(1) the placement of a sign, including an advertisement:

(i) inside licensed premises;

(ii) on a commercial vehicle used to transport alcoholic beverages; or

(iii) in conjunction with a temporary license;

(2) a sign that contains the name or slogan of the licensed premises that has been placed to identify the licensed premises;

(3) except for a billboard and freestanding signboard, a sign for which zoning board approval or a minor privilege permit is required;

(4) a sign that contains a generic description of beer, wine, or liquor, or any other generic description of alcoholic beverages;

(5) a neon or electrically charged sign on licensed premises that is provided as part of a promotion of a particular brand of alcoholic beverage;

(6) a sign on an MTA vehicle or a taxicab;

(7) a sign on property owned, leased, or operated by the Maryland Stadium Authority;

(8) a sign at a facility that operates in accordance with a license issued under § 11–304 of the Business Regulation Article; or

(9) a sign on property adjacent to an interstate highway.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

§12–104.

(a) To be considered a restaurant, an establishment shall meet the requirements of this section.

(b) An establishment shall have average daily receipts from the sale of food that are at least 40% of its total daily receipts.

(c) The Board may not consider as food an ingredient or a garnish used with or mixed with an alcoholic beverage that is prepared and served for on–premises consumption.

(d) (1) The Board may waive the food requirement specified under subsection (b) of this section for a restaurant:

(i) owned and operated by a nonprofit organization in the area bounded by South Ellwood Avenue on the west, Bank Street on the north, South Bouldin Street on the east, and Fleet Street on the south; or

(ii) operated in the area bounded by South Eden Street on the west, Bank Street on the north, South Spring Street on the east, and Eastern Avenue on the south.

(2) For a license that meets the qualifications under paragraph (1) of this subsection, the Board may approve an expansion of the licensed premises onto a

noncontiguous property with a second separate use permit issued by the City, if the second separate use permit specifically refers to the alcoholic beverages license at the primary location.

§12–105.

A copy of any legislation concerning alcoholic beverages enacted by the Mayor and City Council under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§12–201.

There is a Board of License Commissioners for Baltimore City.

§12–202.

(a) (1) The Governor shall appoint three regular members and one substitute member to the Board.

(2) The appointments shall be made:

(i) if the Senate is in session, with the advice and consent of the Senate; or

(ii) if the Senate is not in session, by the Governor alone, subject to the advice and consent of the Senate when the Senate next convenes.

(b) (1) Each member of the Board shall be:

(i) a resident and voter of the City; and

(ii) an individual of high character and integrity and of recognized business capacity.

(2) At least one member of the Board shall be a member of the Bar of the Supreme Court of Maryland.

(3) When evaluating an applicant for membership on the Board, the Governor shall consider the need for geographic, political, racial, ethnic, cultural, and gender diversity on the Board.

(c) The substitute member may serve on the Board if a regular member is absent or recused.

(d) (1) The term of a member is 2 years and begins on July 1.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) (1) To fill a vacancy that occurs during the term of office, the Governor shall appoint an eligible individual.

(2) An appointment under paragraph (1) of this subsection shall be made within 15 days after the vacancy occurs.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(f) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) A member who is charged shall be given by the Governor a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings made on the charges.

§12–203.

The Board shall designate a chair from among the regular members of the Board.

§12–204.

(a) The Board or the Board's designee governs, administers, and enforces this article in the City, including:

(1) supervising the activities and investigations of the inspectors and other employees of the Board;

(2) examining the location and general character of license holders in the City;

(3) reviewing the zoning of applicants and license holders during the license application, license transfer, and license renewal processes; and

(4) subject to § 12–210 of this subtitle, adopting regulations concerning zoning of license holders and methods of enforcement to carry out the purposes and enforcement of this article.

(b) (1) In accordance with Article VI, § 4 of the Baltimore City Charter, the Board shall provide to the Director of Finance of the City the estimates of the Board for the next fiscal year of the appropriations needed to effectively and efficiently achieve the mission and goals of the Board.

(2) The Board shall:

(i) submit a budget request to the City annually in the form that the Director of Finance of the City requires; and

(ii) provide additional budget justification material that the Director of Finance of the City requests.

(c) (1) The Board shall establish annual performance measures using the CitiStat program of the City for activities such as:

(i) financial management;

(ii) issuance of licenses; and

(iii) enforcement of alcoholic beverages laws.

(2) The Board shall make the performance measures available to the public on the Open Baltimore website.

(3) On request, the Board shall submit to the Office of Legislative Audits performance accountability reports to ensure that the Board is on track to meet its annual performance measures.

(d) The Board shall:

(1) (i) digitize and post online all records for public review; and

(ii) adopt regulations to carry out this paragraph; and

(2) prominently list on the website of the Board each fee or fine that the Board imposes and collects.

§12–205.

The revenue from license fees, permit fees, fines, and advertising fees shall be payable to the Director of Finance of the City.

§12–206. IN EFFECT

(a) (1) (i) The chair and each other regular member of the Board shall receive an annual salary that:

1. is not less than $28,500;

2. is set in the ordinance of estimates; and

3. includes any cost–of–living increase available to members of the City Council.

(ii) The substitute member of the Board shall receive an annual salary of $16,000.

(2) The chair and each other regular member of the Board are eligible to receive the same health benefits that full–time employees of the Board receive.

(b) Subject to subsections (c) through (e) of this section and § 12–207 of this subtitle, the Board shall:

(1) employ:

(i) a qualified attorney to serve as counsel for the Board in actions seeking judicial review of decisions of the Board;

(ii) an executive secretary and a deputy executive secretary; and

(iii) inspectors, clerical staff, and other assistants as are necessary to fulfill the mission of the Board and enforce the alcoholic beverages laws of the State;

(2) set the salaries of the employees; and

(3) use as needed the advice of the Baltimore City Law Department.

(c) (1) The salary for the position of attorney specified in subsection (b)(1)(i) of this section shall be at least the salary assigned to that position on May 30, 2014.

(2) For civil service employees, salary levels and adjustments shall conform to the policies of the City's Board of Estimates, Civil Service Commission, and Department of Human Resources, including the City Union of Baltimore salary scales.

(3) In determining the appropriate salary level for an employee, the Board may consider the employee's length of service, performance, and experience.

(d) (1) The executive secretary and the deputy executive secretary shall:

(i) 1. be residents of the City; or

2. have served in the City government for a minimum of 5 years immediately preceding their appointment;

(ii) be of high character and integrity; and

(iii) be employed on the basis of their executive skill and experience.

(2) To the extent practicable, all other employees of the Board shall be residents of the City.

(e) (1) Except for the executive secretary and the deputy executive secretary, all employees of the Board:

(i) are in the classified civil service of the City; and

(ii) may be hired and removed only in accordance with the law that governs classified civil service employees of the City.

(2) The executive secretary and the deputy executive secretary shall serve at the pleasure of the Board.

§12–206. // EFFECTIVE JUNE 30, 2026 PER CHAPTER 1042 OF 2024 //

(a) (1) (i) The chair and each other regular member of the Board shall receive an annual salary that:

1. is not less than $28,500;

2. is set in the ordinance of estimates; and

3. includes any cost–of–living increase available to members of the City Council.

(ii) The substitute member of the Board shall receive an annual salary of $16,000.

(2) The chair and each other regular member of the Board are eligible to receive the same health benefits that full–time employees of the Board receive.

(b) Subject to subsections (c) through (e) of this section and § 12–207 of this subtitle, the Board shall:

(1) employ:

(i) a qualified attorney to serve as counsel for the Board in actions seeking judicial review of decisions of the Board;

(ii) an executive secretary and a deputy executive secretary; and

(iii) inspectors, clerical staff, and other assistants as are necessary to fulfill the mission of the Board and enforce the alcoholic beverages laws of the State;

(2) set the salaries of the employees; and

(3) use as needed the advice of the Baltimore City Law Department.

(c) (1) The salary for the position of attorney specified in subsection (b)(1)(i) of this section shall be at least the salary assigned to that position on May 30, 2014.

(2) For civil service employees, salary levels and adjustments shall conform to the policies of the City's Board of Estimates, Civil Service Commission, and Department of Human Resources, including the City Union of Baltimore salary scales.

(3) In determining the appropriate salary level for an employee, the Board may consider the employee's length of service, performance, and experience.

(d) (1) The executive secretary and the deputy executive secretary shall be:

(i) residents of the City;

(ii) of high character and integrity; and

(iii) employed on the basis of their executive skill and experience.

(2) To the extent practicable, all other employees of the Board shall be residents of the City.

(e) (1) Except for the executive secretary and the deputy executive secretary, all employees of the Board:

(i) are in the classified civil service of the City; and

(ii) may be hired and removed only in accordance with the law that governs classified civil service employees of the City.

(2) The executive secretary and the deputy executive secretary shall serve at the pleasure of the Board.

§12–207.

(a) (1) In this subsection, "direct or indirect interest" means an interest that is:

(i) proprietary;

(ii) obtained by a loan, mortgage, or lien or in any other manner; or

(iii) beneficially owned through an investment vehicle, estate, trust, or other intermediary when the beneficiary does not control the intermediary or may supervise or participate in the intermediary's investment decisions.

(2) A member or an employee of the Board may not:

(i) have a direct or indirect interest in or on a premises where alcoholic beverages are manufactured, distributed, or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture, distribution, or sale of alcoholic beverages;

(iii) own stock in a corporation that has a direct or indirect interest in:

1. a premises where alcoholic beverages are manufactured, distributed, or sold; or

2. a business wholly or partly devoted to the manufacture, distribution, or sale of alcoholic beverages;

(iv) receive a salary or other compensation or any other thing of value from a business engaged in the manufacture, distribution, or sale of alcoholic beverages;

(v) solicit or receive, directly or indirectly or on behalf of another person, a commission, political contribution, remuneration, or gift from a person engaged in the manufacture, distribution, or sale of alcoholic beverages or an agent or employee of the person; or

(vi) solicit or receive, directly or indirectly, a commission, remuneration, or gift from:

1. a person engaged in the manufacture, distribution, or sale of alcoholic beverages or an agent or employee of the person; or

2. a license holder.

(b) (1) Unless the public office or employment poses a conflict of interest, a member or an employee of the Board may hold any other federal, State, or local public office or employment.

(2) A member of the Board who applies for government employment that poses a conflict of interest as determined by the State Ethics Commission shall resign from the Board by a letter addressed to the Governor.

(3) (i) If an individual who is a member or an employee of the Board seeks election to an office that would pose a conflict of interest, on filing a certificate of candidacy for election or within 30 days before the filing deadline for the primary election for the office sought, whichever occurs later, the individual shall certify to the City Board of Elections under oath that the individual is no longer a member or an employee of the Board.

(ii) The certification shall be accompanied by a letter addressed to the Governor containing the resignation of the member from the Board.

(c) (1) An employee of the Board shall devote the employee's whole time and attention to the business of the Board during the hours designated by the Board for the performance of official duties.

(2) An employee of the Board may not:

(i) engage in an occupation, a business, or a profession that in any way is connected or associated, directly or indirectly, with the manufacture, distribution, or sale of alcoholic beverages; or

(ii) transact any business beyond the official duties of the employee:

1. with a license holder; or

2. in connection with the operation of an establishment licensed for the manufacture, distribution, or sale of alcoholic beverages.

(3) Subject to § 12–206(e)(1) of this subtitle, an employee of the Board who violates this subsection shall be removed.

(d) (1) A member or an employee of the Board shall comply with the public ethics laws of the State and the financial disclosure requirements set by the State Ethics Commission.

(2) An action of a member or an employee of the Board is subject to State requirements for open or public meetings, including requirements for open sessions under Title 3 of the General Provisions Article.

§12–208.

(a) (1) Subject to paragraph (2) of this subsection, an inspector may examine any identification used as proof of age by an individual to purchase alcoholic beverages.

(2) The examination shall be made on the premises of the licensed establishment where the purchase is attempted.

(b) An inspector may serve a summons under § 12–2603 of this title.

§12–209.

The Mayor and City Council shall:

(1) pay from the general fund of the City that includes revenue from the Board the salaries and expenses of the Board and its employees; and

(2) devote the balance of the revenue from the Board to the general purposes of the City.

§12–210.

(a) The Board may adopt regulations to carry out this article.

(b) Before the Board may adopt a regulation:

(1) the Board shall provide a period of at least 30 days for public comment; and

(2) the City Solicitor shall review the regulation to ensure that the regulation complies with the authority granted to the Board by the State.

(c) (1) The Board shall publish and post online regulations that the Board adopts and distribute them to the license holders whom the regulations affect.

(2) The Board may require a license holder to display prominently in the license holder's place of business any regulation of the Board or excerpt from this article.

(d) At least once every 5 years after October 31, 2015, the Board shall review its regulations to ensure that the regulations comply with:

(1) the current policies and practices of the Board; and

(2) federal, State, and local law.

§12–211.

At least 3 months before the start of the regular session of the General Assembly each year, the Board shall give notice to the following persons regarding any legislative proposal the Board intends to submit to the City delegation to the General Assembly for introduction as a bill:

(1) the Mayor of Baltimore City;

(2) the Baltimore City Council; and

(3) community and residential groups in the City that have opted to receive notices from the Board.

§12–301.

There is no liquor control board or department of liquor control in the City.

§12–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the City without exception or variation:

(1) § 2–201 ("Issuance by Executive Director");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–208 ("Class 6 pub–brewery license");

(9) § 2–210 ("Class 8 farm brewery license");

(10) § 2–211 ("Residency requirement");

(11) § 2–212 ("Additional licenses");

(12) § 2–213 ("Additional fees");

(13) § 2–214 ("Sale or delivery restricted");

(14) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(15) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the City:

(1) § 2–209 ("Class 7 micro–brewery license"), subject to § 12–403 of this subtitle; and

(2) § 2–216 ("Interaction between manufacturing entities and retailers"), subject to § 12–404 of this subtitle.

§12–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

§12–403.

(a) This section applies to a Class 7 micro–brewery license in the City.

(b) The license may be issued only to the holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the City; or

(2) a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license located in the 40th alcoholic beverages district of the City.

(c) (1) Subject to paragraphs (2), (3), and (4) of this subsection, the holder of a Class 7 micro–brewery license may:

(i) brew in two locations using the same Class 7 micro–brewery license; and

(ii) obtain a Class 2 rectifying license for the premises at the two locations authorized under item (i) of this paragraph.

(2) The holder of a Class 7 micro–brewery license may brew in two locations using the same Class 7 micro–brewery license if the license holder:

(i) requests permission by submitting a written application to the Executive Director; and

(ii) obtains written approval from the Executive Director.

(3) Before authorizing a holder of a Class 7 micro–brewery license to brew in two locations using the same Class 7 micro–brewery license, the Executive Director shall:

(i) make a determination that a second location to brew additional capacity is necessary due to insufficient space at the existing Class 7 license location; and

(ii) consider any other factor relevant to approval of the application.

(4) Notwithstanding any other provision of this article, a holder of a Class 7 micro–brewery license may not serve or sell beer for on– or off–premises consumption at the second brewing location authorized under this subsection.

§12–404.

(a) Section 2–216(b) and (d) of this article does not apply to a holder of a Class 3 winery license or Class 4 limited winery license who is issued a Class A2 light wine on–sale and off–sale license with respect to the wine manufactured or bottled on the winery premises.

(b) (1) This subsection applies only to a Class 1 distillery and a retail dealer located on contiguous premises in the area commonly known as Port Covington.

(2) The Class 1 distillery:

(i) may lend a thing of value, make a gift, or offer a gratuity to the retail dealer; but

(ii) may not lend money to the retail dealer.

(3) The retail dealer:

(i) may accept, receive, or make use of a gift or an advertisement provided by the Class 1 distillery; but

(ii) may not become indebted to the distillery except for the purchase of alcoholic beverages and allied products purchased for resale.

(4) Section 2–216(d)of this article regarding advertisements does not apply to the Class 1 distillery and the licensed retailer.

§12–501.

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the City without exception or variation.

§12–502.

Except as provided in § 12–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§12–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§12–601.

A Class A beer license may not be issued in the City.

§12–602.

A Class B beer license may not be issued in the City.

§12–603.

A Class C beer license may not be issued in the City.

§12–604.

(a) There is a Class D beer license.

(b) The license may be issued to a holder of a Class 5 brewery license.

(c) The license authorizes the license holder to sell at retail beer brewed on the brewery premises for on–premises consumption.

(d) The Board shall establish the hours and days of sale under the license.

(e) The annual license fee is $300.

§12–701.

A Class A light wine license may not be issued in the City.

§12–702.

(a) There is a Class A2 light wine license in the City.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) The license authorizes the license holder to sell at retail light wine produced or bottled on the winery premises:

(1) for off–premises consumption; or

(2) for on–premises consumption by the drink in a restaurant that is:

(i) owned and operated by the holder of the Class 4 limited winery license; and

(ii) located immediately adjacent to the winery premises.

(d) The Board shall establish the hours and days of sale under the license.

(e) The annual license fee is $250.

§12–801.

(a) There is a Class A beer and light wine license.

(b) (1) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and light wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or light wine is sold.

(c) The annual license fee is $171.

§12–802.

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

(b) The license authorizes the license holder to sell beer and light 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 $310.

§12–803.

(a) There is a Class C beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is $128.

§12–804.

(a) There is a Class D beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $260.

§12–901.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is $2,060.

§12–902.

(a) There is a Class A–2 beer, wine, and liquor (package goods) license.

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) (1) A Class B–D–7 beer, wine, and liquor license may not be reissued as a Class A–2 license.

(2) A Class A–2 license may not be converted or substituted for any other class of license, including a Class B–D–7 beer, wine, and liquor license.

(d) The hours and days of sale for the license are from 9 a.m. to midnight, Monday through Saturday.

(e) The annual license fee is $2,060.

§12–902.1.

(a) There is a Class A–7 beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for off–premises consumption.

(c) A license holder who holds a valid Class B–D–7 beer, wine, and liquor license issued on or before July 1, 2018, may apply to the Board to exchange the license for a Class A–7 license if the license holder first obtains approval by resolution of the Baltimore City Council.

(d) A holder of a Class A–7 license may sell beer, wine, and liquor on Monday through Sunday from 10 a.m. to midnight.

(e) The annual license fee is $2,336.

§12–903.

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

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

(c) (1) In this subsection, "46th alcoholic beverages district" means an area that has the same boundaries as the 46th legislative district in the Legislative Districting Plan of 2022.

(2) In addition to meeting all other requirements of this section, a restaurant for which the license is issued in the 46th alcoholic beverages district shall have:

(i) capital investment of at least $500,000 for restaurant facilities, not including the cost of:

1. the land;

2. the building; or

3. improvements other than to the interior of a building on the licensed premises; and

(ii) except as provided in § 12–1604(c) of this title:

1. average daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant; and

2. seating for 75 but not more than 150 individuals.

(d) (1) In this subsection, "47th alcoholic beverages district" means an area with the same boundaries as the 47th alcoholic beverages district as that district existed before the Legislative Districting Plan ordered by the Supreme Court of Maryland on June 21, 2002.

(2) Except as provided in paragraph (3) of this subsection, the license issued for use by a restaurant in the 47th alcoholic beverages district may not include an off–sale privilege.

(3) A license issued before July 1, 1991, with on– and off–sale privileges may continue to be renewed or transferred in the 47th alcoholic beverages district with both privileges.

(4) The license may include an off–sale privilege for sales of refillable containers under a refillable container permit issued in accordance with § 12–1102 of this title.

(e) (1) The annual license fee is $2,060.

(2) In addition, the license holder annually shall pay:

(i) $500, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

(f) In the 45th legislative district, a Class B beer, wine, and liquor license may be exchanged for a Class B–D–7 beer, wine, and liquor license if:

(1) the licensed premises is in an area bounded by the unit block of West Preston Street, the 1200 block of North Charles Street, the 1200 block of Morton Street, and the unit block of West Biddle Street; and

(2) the applicant executes a memorandum of understanding with the Mount Vernon–Belvedere Improvement Association.

§12–904.

(a) This section does not apply to:

(1) a restaurant not located in a hotel or motel; or

(2) a catering establishment.

(b) There is a Class B–BWL (H–M) license.

(c) The Board may issue the license for use by a hotel or motel that has:

(1) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating;

(2) at least 100 rooms for the accommodation of the public; and

(3) a capital investment of not less than $500,000.

(d) (1) The annual license fee is $10,108.

(2) In addition, the license holder annually shall pay:

(i) $1,000, if the licensed premises has fewer than 100 rooms;

(ii) $500, if the license holder provides live entertainment; and

(iii) $200, if the license holder provides outdoor table service.

§12–905.

(a) There is a Class B–D–7 beer, wine, and liquor license.

(b) (1) The Board may issue a Class B–D–7 license if the Board determines that the license is reasonably necessary for the convenience of the public.

(2) In making the determination, the Board shall consider the number of beer, wine, and liquor outlets in a given area and the number of days the outlets are open, rather than the nature of the outlets.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on– and off–premises consumption.

(2) The holder of a license exchanged in accordance with § 12–903 of this subtitle is authorized to provide outdoor table service.

(d) A license holder may sell beer, wine, and liquor during the hours and days set out under § 12–2004(c) of this title.

(e) The Board shall adopt regulations to determine the manner of operation of a licensed premises.

(f) The annual license fee is $2,336.

(g) (1) The Board may reissue a Class B–D–7 beer, wine, and liquor license as a Class A–2 beer, wine, and liquor (package goods) license if the licensed premises is:

(i) within the 41st legislative district; and

(ii) equipped with high–definition cameras that provide continuous, 24–hour monitoring inside and outside the licensed premises.

(2) The hours of sale for the 7–day beer, wine, and liquor (package goods) license authorized under this subsection are from 9 a.m. to midnight Monday through Sunday.

(3) A holder of a 7–day beer, wine, and liquor (package goods) license authorized under this subsection that unlawfully sells or provides alcoholic beverages to an individual under the age of 21 years is subject to:

(i) for a first offense, a fine of not less than $1,500 or more than $3,000; and

(ii) for a second or subsequent offense, a license suspension or revocation.

§12–906.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license, for on–premises consumption.

(c) The annual license fee is $860.

§12–907.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at the place described in the license for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $1,284.

§12–1001.

(a) In this section, "arena" means:

(1) an athletic facility;

(2) an auditorium;

(3) a banquet hall;

(4) a catering hall;

(5) a concert facility;

(6) a theater; or

(7) a stadium.

(b) There is an arena license.

(c) (1) The Board may issue the license only to:

(i) the person, firm, or corporation that owns or leases the arena; or

(ii) a concessionaire designated by the person, firm, or corporation that owns or leases the arena.

(2) At least one of the individuals who apply for and are issued the license on behalf of the person that owns or leases the arena is required to be a resident of the State.

(3) A concessionaire to whom a license is issued need not be a resident of the State.

(d) (1) Subject to paragraph (2) of this subsection, the license holder is authorized to sell beer, wine, and liquor by the drink and by the bottle within the arena, from one or more outlets, for on–premises consumption.

(2) (i) The license may not be issued in the Second or Third Ward after October 1, 1994.

(ii) A license issued before October 1, 1994, is valid and may be treated like any other license.

(3) The Board may grant an off–sale privilege to the holder of a license issued for a premises in the 3300 block of Annapolis Road, subject to the following conditions:

(i) beer, wine, or liquor may be sold for off–premises consumption only from a location in the licensed premises not exceeding 2,000 square feet;

(ii) beer, wine, or liquor purchased from the location may not be consumed anywhere on the licensed premises;

(iii) the hours of sale are from 8 a.m. to 10 p.m. Monday through Sunday; and

(iv) the annual fee for the privilege is $858.

(e) The arena shall have:

(1) a minimum capital investment, not including any real property, of $1,000,000; and

(2) a minimum capacity of 1,000 people, as determined by the City Fire Department.

(f) (1) The annual license fee is $21,780.

(2) In addition to the annual license fee, a license holder shall pay annually:

(i) $500, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table or cafe service.

(g) The Board shall adopt regulations concerning the manner of dispensing alcoholic beverages, the number of outlets authorized to dispense alcoholic beverages, and the hours and days of sale.

§12–1001.1.

(a) There is a continuing care retirement community license.

(b) The Board may issue the license for use by a continuing care retirement community that:

(1) is located in the 41st alcoholic beverages district; and

(2) has obtained a certificate of registration from the Department of Aging under Title 10, Subtitle 4 of the Human Services Article.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption to a resident or the guest of a resident of the continuing care retirement community.

(d) A resident or the guest of a resident of the continuing care retirement community may consume beer, wine, or liquor not purchased from the continuing care retirement community if:

(1) the beer, wine, or liquor is consumed with a meal in the dining room or at a bar operated by the continuing care retirement community; and

(2) the continuing care retirement community:

(i) is operated by a nonprofit organization for individuals at least 60 years old;

(ii) has been incorporated for at least 1 year; and

(iii) prepares and serves meals during regular operating hours to residents and their guests.

(e) (1) The annual license fee is $550.

(2) In addition to the annual license fee, the license holder shall pay annually:

(i) $500, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

§12–1001.2.

(a) There is an Inner Harbor Park license.

(b) (1) The Board may issue not more than two licenses for use by a nonprofit organization that is operated to promote and care for the Inner Harbor waterfront.

(2) The licensed premises may be located in Rash Field and in West Shore Park.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption Monday through Sunday, from 8 a.m. to 11 p.m.

(d) (1) The annual license fee is $1,320.

(2) A license holder shall pay, in addition to the annual license fee:

(i) $500, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

§12–1001.3.

(a) In this section, "marketplace" means premises that:

(1) accommodate the public; and

(2) are equipped with five or more outlets for preparing and serving regular meals that may be consumed by patrons in a common seating area or anywhere else on the premises.

(b) There is a marketplace license in the 40th and 43rd alcoholic beverages districts.

(c) The Board may issue a marketplace license only to the person, firm, or corporation that owns or leases the marketplace.

(d) (1) The license authorizes the license holder to sell beer, wine, and liquor from one or more outlets within the marketplace by the drink or by the bottle for on–premises consumption.

(2) A license holder may obtain a refillable container permit under § 12–1102 of this title to sell draft beer for off–premises consumption.

(e) The marketplace shall have:

(1) a minimum capital investment, not including the cost of land and buildings, of $1,000,000 for marketplace facilities;

(2) a minimum seating capacity of 75 individuals;

(3) a minimum capacity of 200 individuals and a maximum capacity of 500 individuals, as determined by the City Fire Department; and

(4) average daily receipts from the sale of food that are at least 51% of the total daily receipts of the marketplace.

(f) The hours for sale and consumption of alcoholic beverages under the license are the same as the hours of operation for Class B beer, wine, and liquor license holders under § 12–2004 of this title.

(g) (1) The annual license fee is $8,580.

(2) In addition to the annual license fee, the license holder shall pay annually:

(i) $500, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

§12–1001.4.

(a) In this section, "marketplace" means premises that:

(1) accommodate the public; and

(2) are made up of at least three food and beverage establishments, at least one of which is licensed to conduct off–premises sales, that opened to the public on or before July 1, 2022, or are expected to open within 6 months of issuance of the marketplace license under this section.

(b) There is a marketplace license in the 41st legislative district in an area bounded by Cross Keys Road on the east, Village Square on the south, Interstate 83 on the west, and Hamlet Hill Road on the north.

(c) The Board may issue a marketplace license only to the person that owns or leases the marketplace.

(d) The license authorizes the license holder to sell beer, wine, and liquor from one or more establishments within the marketplace by the drink or by the bottle for on–premises consumption.

(e) The marketplace shall have:

(1) a minimum capital investment, not including the cost of land and buildings, of $5,000,000 for marketplace facilities; and

(2) average daily receipts from the sale of food that are at least 51% of the total daily receipts of the marketplace.

(f) The marketplace may accommodate more than 500 individuals, as determined by the Baltimore City Fire Department.

(g) (1) The annual license fee is $6,000.

(2) In addition to the annual license fee, the license holder shall pay annually:

(i) $500, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

§12–1001.5.

(a) There is a Class M–F (Municipal Family Fun Center) license for use at a municipal bowling alley and skating rink located on the odd side of the 1600 block of Pennsylvania Avenue.

(b) The Board may issue the license to an individual who:

(1) is authorized by the Mayor and City Council of Baltimore City through a management agreement to sell food, beer, wine, and liquor for on–premises consumption; and

(2) has executed a memorandum of understanding with the Upton West Community Association.

(c) The license authorizes the holder to sell beer, wine, and liquor for on–premises consumption.

(d) The hours of sale for alcoholic beverages are:

(1) from 11:30 a.m. to 11 p.m. Monday through Thursday;

(2) from 11:30 a.m. to midnight on Friday;

(3) from 9 a.m. to midnight on Saturday; and

(4) from 9 a.m. to 11 p.m. on Sunday.

(e) The Board shall adopt regulations to carry out this section, including regulations concerning the holding of events that are closed to the public.

(f) The license holder may not:

(1) participate in or publicize, in or outside of the licensed premises, a pub crawl authorized under § 12–1101.1 of this title; or

(2) except for an event that is closed to the public, allow an open bar to be operated.

(g) The annual license fee is $500.

§12–1002.

(a) This section applies only to a municipal golf course that is:

(1) on land that is owned by the City; and

(2) operated by a City golf course manager or a golf course manager under a management agreement with the City.

(b) There is a Class M–G beer, wine, and liquor license for use at a municipal golf course.

(c) The Board may issue the license to a manager of a municipal golf course.

(d) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption on the land and in the facilities used for golfing purposes.

(e) (1) The license holder may designate an agent to sell beer, wine, and liquor at the municipal golf course.

(2) The agent shall be considered the vendor for purposes of collecting and remitting the sales and use tax.

(f) On request of the City and subject to § 12–1703 of this title, the Board may transfer the license to a different golf course manager.

(g) The annual license fee is $936.

(h) The Board shall adopt regulations to carry out this section.

§12–1002.1.

(a) There is a public market license.

(b) The Board may issue the license only to an operator of an enclosed public market that:

(1) has a capital investment of at least $5,000,000; and

(2) is located in an area surrounded by:

(i) Charles Street on the west, East Cross Street on the north, Light Street on the east, and East Cross Street on the south, in ward 23, precinct 1 of the 46th alcoholic beverages district; or

(ii) North Paca Street on the west, West Saratoga Street on the north, North Eutaw Street on the east, and West Fayette Street on the south, in the 40th alcoholic beverages district.

(c) Ownership of the license is transferable only to the Baltimore Public Markets Corporation.

(d) (1) The license authorizes the license holder to sell, for on– or off–premises consumption:

(i) beer;

(ii) wine; and

(iii) liquor, when served as an ingredient in mixed drinks that may be purchased for at least $5 each.

(2) (i) Subject to subparagraph (ii) of this paragraph and subsection (e)(6) of this section, the license holder may designate vendors within the public market to sell alcoholic beverages that are allowed under paragraph (1) of this

subsection in leasable market space covering not more than 25% of the total square footage of floor space of the licensed premises.

(ii) Except as provided in subsection (e)(3) of this section, an individual vendor may sell alcoholic beverages in an area covering not more than 1,000 square feet of floor space.

(3) (i) The license holder shall submit to the Board the same information about each vendor that the Board requires of an applicant for a license.

(ii) The Board shall apply to the Central Repository for a State and national criminal history records check for each vendor authorized to sell alcoholic beverages.

(iii) A vendor authorized to sell alcoholic beverages or an individual who is designated by the vendor and employed in a supervisory capacity is required to be:

1. certified by an approved alcohol awareness program; and

2. present when alcoholic beverages are consumed.

(4) (i) Subject to subparagraph (ii) of this paragraph, monthly receipts from the sale of nonalcoholic beverage items shall be at least 65% of the total monthly receipts of the market.

(ii) The only nonalcoholic beverage items that may be counted in the calculation required under subparagraph (i) of this paragraph are items sold in the public market that are not provided as part of an off–premises catering service.

(e) (1) The license holder may designate a vendor to sell alcoholic beverages allowed under subsection (d)(1) of this section for on–premises consumption at a restaurant in the premises formerly occupied by an establishment for which a Class D (7–day) beer and wine license was issued.

(2) The restaurant shall have average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant.

(3) The vendor designated for the restaurant may sell alcoholic beverages in an area exceeding 1,000 square feet of floor space.

(4) The hours of sale for alcoholic beverages at the restaurant are from 9 a.m. to 1 a.m. the following day, Monday through Sunday.

(5) The privilege to sell alcoholic beverages at the restaurant may not be transferred to another location.

(6) The premises of the restaurant do not count toward the limit on the total square footage of floor space in which alcoholic beverages may be sold in the public market under subsection (d)(2)(i) of this section.

(f) A license holder or vendor may not:

(1) participate in or publicize, in or outside the public market, a pub crawl authorized under § 12–1101.1 of this title; or

(2) except for an event closed to the public, including a rehearsal dinner, wedding reception, corporate function, or retirement party, allow an open bar to be operated by a vendor.

(g) Except as provided under subsection (e)(4) of this section, the hours of sale of alcoholic beverages for on–premises consumption are:

(1) from 11:30 a.m. to 11 p.m. Monday through Thursday;

(2) from 11:30 a.m. to midnight on Friday;

(3) from 9 a.m. to midnight on Saturday; and

(4) from 9 a.m. to 11 p.m. on Sunday.

(h) The annual license fee is:

(1) subject to item (2) of this subsection, $6,000; or

(2) $3,500, if the applicant for the license obtains and extinguishes one Class A, Class B, Class D, or Class B–D–7 license issued for use in ward 23, precinct 1 of the 46th alcoholic beverages district.

(i) The Board shall adopt regulations to carry out this section, including regulations concerning the following activities in a public market:

(1) the conduct of vendors;

(2) the conduct of license holders within the public market;

(3) the holding of events that are closed to the public; and

(4) the maintaining of a common seating area.

§12–1003.

(a) There is a racetrack license.

(b) (1) The Board may issue the license to the owner of a regularly licensed racing establishment or the concessionaire or catering organization at the establishment.

(2) There are no residential or voting qualifications for a license applicant.

(c) The license authorizes the holder to sell beer, wine, and liquor at one or more locations in the confines of the racing park.

(d) (1) The license fee is $100 for each day that the racing park is open and operating.

(2) In addition to the annual license fee, the license holder shall pay annually:

(i) $500, if the license holder provides live entertainment; or

(ii) $200, if the license holder provides outdoor table or cafe service.

§12–1004.

(a) (1) In this section the following words have the meanings indicated.

(2) "Concessionaire" means a lessee, a sublessee, or any other operator of an establishment that:

(i) engages in the sale of beer, wine, and liquor by the drink or by the bottle on its premises for consumption anywhere in a video lottery facility; and

(ii) is operated as a concession independent of a holder of a Class BWL–VLF license.

(3) "Video lottery facility" means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(b) There is a Class BWL–VLC (video lottery concessionaire) beer, wine, and liquor license.

(c) The Board may issue a Class BWL–VLC license to one or more concessionaires operating in a video lottery facility.

(d) (1) The license authorizes:

(i) the license holder to sell beer, wine, and liquor on the premises of the concessionaire for consumption:

1. anywhere in the video lottery facility; or

2. on grounds controlled by the Class BWL–VLF license holder, as defined in the Class BWL–VLF license;

(ii) the playing of music and dancing; and

(iii) the sale and providing of beer, wine, and liquor throughout the video lottery facility and grounds controlled by the Class BWL–VLF license holder during those days and hours that the video lottery facility is open for business.

(2) Beer, wine, and liquor purchased under the Class BWL–VLC license may be taken anywhere in a video lottery facility or on grounds controlled by the Class BWL–VLF license holder, as defined in the Class BWL–VLF license.

(e) (1) The annual license fee is $7,500.

(2) The fee shall be paid to the Board on or before May 1.

(f) A penalty or other sanction that is imposed for a violation of a regulation of the Board on the licensed premises of a holder of a Class BWL–VLC license shall apply to the concessionaire that the Board determines to be responsible for the violation.

§12–1005.

(a) In this section, "video lottery facility" means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(b) There is a Class BWL–VLF (video lottery facility) beer, wine, and liquor license.

(c) (1) The Board may issue a Class BWL–VLF license to an individual or entity that:

(i) owns a video lottery facility that contains at least one food service facility, bar, or lounge; and

(ii) holds a license under Title 9, Subtitle 1A of the State Government Article.

(2) An applicant for a Class BWL–VLF license need not meet any voting or residency requirement.

(d) (1) The license authorizes:

(i) the license holder to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility for consumption:

1. anywhere in the video lottery facility; or

2. on grounds controlled by the license holder, as defined in the license;

(ii) the playing of music and dancing; and

(iii) the sale and providing of beer, wine, and liquor throughout the video lottery facility and grounds controlled by the license holder during those days and hours that the video lottery facility is open for business.

(2) Beer, wine, and liquor purchased under the license may be taken anywhere in a video lottery facility or on grounds controlled by the license holder, as defined in the Class BWL–VLF license.

(e) (1) The annual license fee is $17,500.

(2) The annual license fee shall be paid to the Board on or before May 1.

§12–1006.

(a) There is a Class BWL–MZ license for use at a zoo in Druid Hill Park.

(b) (1) The license authorizes the holder to sell beer, wine, and liquor for consumption only on the land and in the facilities used by the zoo.

(2) On approval by the Board, beer, wine, and liquor may be sold at the zoo in multiple locations.

(c) (1) The license holder may designate an agent to sell beer, wine, and liquor at the zoo.

(2) The agent shall be considered the vendor for collecting and remitting the sales and use tax.

(d) The license holder may sell beer, wine, and liquor on Monday through Sunday, from noon to 11 p.m.

(e) The annual license fee is $778.

§12–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the City without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the City.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the City:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 12–1102 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 12–1102.1 of this subtitle.

§12–1101.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Pub crawl" means an event in which:

(i) an organized group of at least three license holders whose premises are within walking distance of each other participates in a coordinated promotion to sell or provide alcoholic beverages during a specified time; and

(ii) at least 75 individuals are reasonably anticipated to participate.

(3) "Pub crawl promoter" means an individual, a for–profit organization, or a nonprofit organization that conducts a pub crawl.

(b) There is a pub crawl promoter's permit.

(c) A pub crawl promoter or a participating license holder on behalf of a pub crawl promoter shall obtain the permit from the Board before the pub crawl promoter may publicize, sell tickets for, organize, operate, produce, or stage a pub crawl.

(d) (1) Except as provided in paragraph (2) of this subsection, the Board may grant the permit to an applicant who submits an application to the Board as provided under Title 4 of this article at least 42 days before the date of the pub crawl.

(2) Before being granted the permit, an applicant shall:

(i) obtain a special event permit from the Baltimore City Department of Transportation;

(ii) provide a copy of the special event permit to the Board; and

(iii) provide a completed application that:

1. is signed and dated by each license holder that will participate in the pub crawl;

2. lists each premises for which the pub crawl will be held; and

3. is accompanied by any other document that the Board requires.

(3) An application may not be altered within 30 days before the pub crawl is scheduled to take place.

(4) Within 14 days after receiving an application, the Board shall grant or deny the permit or request more information from the applicant.

(e) The permit authorizes the pub crawl promoter and participating license holders to conduct a pub crawl.

(f) The permit for each pub crawl may be in effect for the time stated on the special event permit required under subsection (d)(2) of this section.

(g) The Board may adopt regulations establishing the requirements for:

(1) conducting a pub crawl, including health and safety standards to be met by the pub crawl promoter and participating license holders; and

(2) providing public notice of a pub crawl at the premises of participating license holders by the pub crawl promoter or participating license holders.

(h) (1) The application fee is $50, payable on the submission of the application.

(2) (i) Subject to subparagraph (ii) of this paragraph, the permit fee, payable when the permit is granted, is:

1. $120; and

2. $100 for each license holder that participates in the pub crawl.

(ii) On receipt of an application, the Board may reduce the permit fee by not more than 50% if the applicant shows that the proceeds from the pub crawl after administrative expenses are deducted shall be used to benefit an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

§12–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of any class of license except a Class C license or a Class M–G license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) Receipts collected under the permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 12–104 of this title.

(e) The Board shall adopt regulations to carry out this section.

(f) The annual permit fees are:

(1) $50 for an applicant whose license has an off–sale privilege; and

(2) $500 for an applicant whose license does not have an off–sale privilege.

§12–1102.1.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of any class of license except a Class C license or a Class M–G license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) Receipts collected under the permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 12–104 of this title.

(e) The Board shall adopt regulations to carry out this section.

(f) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:

(i) $50 for an applicant whose license has an off–sale privilege; and

(ii) $500 for an applicant whose license does not have an off–sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§12–1103.

(a) There is a special amusement permit.

(b) The Board may grant the permit to a holder of a Class D beer, wine, and liquor license who regularly specializes in the entertainment of customers by providing approved types of amusement, such as:

(1) singing;

(2) dancing;

(3) music that is other than recorded music or radio programs;

(4) floor shows;

(5) acrobatic acts;

(6) theatricals; and

(7) movies.

(c) The permit holder may sell beer, wine, and liquor at the hours that the Board specifies.

(d) The Board may not issue a Class B beer, wine, and liquor license for an establishment that provides entertainment under subsection (b) of this section unless the Board finds that the establishment is a restaurant.

(e) In addition to the annual fee for a Class D beer, wine, and liquor license, the annual permit fee is $750.

(f) The Board shall adopt regulations for issuing the permit to carry out this section.

§12–1104.

In the Planned Unit Development for Belvedere Square as approved by the Mayor and City Council of Baltimore City in Ordinance 84–187, alcoholic beverages purchased from a licensed establishment located at 511 through 529 East Belvedere Avenue may be consumed:

(1) within any indoor or outdoor seating area located at 511 through 529 East Belvedere Avenue; and

(2) while crossing from the south side of East Belvedere Avenue to the north side of East Belvedere Avenue during a permitted special event that results in the closure of East Belvedere Avenue.

§12–1201.

(a) There is an off–sale caterer privilege.

(b) (1) Subject to paragraph (3) of this subsection, the Board may grant the privilege to a holder of an on–sale:

(i) beer and wine license of any class; or

(ii) beer, wine, and liquor license of any class.

(2) The privilege is not a separate class of license but is incorporated in the holder's beer and wine license or beer, wine, and liquor license.

(3) Before the Board grants or renews the privilege, an applicant or a holder of the privilege shall:

(i) have the facilities to prepare and deliver food to the site of a catered event; and

(ii) obtain a caterer's license from the City Health Department after the Department approves the facilities.

(c) The privilege authorizes a holder to:

(1) contract with a sponsor of a public or private catered event held off the premises of the holder to provide food and alcoholic beverages for consumption at the event; and

(2) exercise the privilege only during the hours and on the days authorized for the holder's license.

(d) The privilege may be renewed.

(e) The annual fee for the privilege is $500 in addition to the annual fee for the license to which the privilege is incorporated.

§12–1301.

(a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the City without exception or variation:

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(3) § 4–1206 ("License to dispose of stock");

(4) § 4–1207 ("Temporary move of licensed premises");

(5) § 4–1208 ("Hours and days of sale"); and

(6) § 4–1209 ("Wine permit for fund–raising event").

(b) Section 4–1205 ("License fees") of Division I of this article does not apply in the City and is superseded by § 12–1311 of this subtitle.

(c) Section 4–1204 ("Class C per diem beer, wine, and liquor license") of Division I of this article applies in the City, subject to § 12–1312 of this subtitle.

§12–1304.

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

(2) The Board may designate not more than two times each calendar year for which a beer festival license may be issued.

(b) (1) The Board may issue the license to a holder of a Class 5 brewery license, Class 6 pub–brewery license, Class 7 micro–brewery license, or Class 8 farm brewery license.

(2) Each manufacturer that participates in the beer festival shall obtain a beer festival license.

(c) (1) If the beer festival is held on a Class B licensed premises, the products displayed and sold shall be:

(i) owned, produced, and provided by the beer festival license holder; or

(ii) provided by the holder of the Class B license.

(2) If the beer festival is held on a location that is not already licensed, the products displayed and sold shall be:

(i) owned, produced, and provided by the beer festival license holder; or

(ii) directly obtained from a licensed wholesaler.

(d) Each festival shall be held:

(1) on premises for which a Class B license has been issued; or

(2) at a location that is not already licensed.

(e) The license holder shall display and sell beer:

(1) at retail for on–premises consumption; and

(2) during the hours and days designated for the festival.

(f) The license for each festival may be in effect for a period of not more than 3 days.

(g) The license holder may hold another license of a different class or nature.

(h) The Board shall set the license fee.

§12–1305.

(a) (1) There is a Baltimore Wine Festival (WF) license.

(2) The Board may issue not more than four licenses each year.

(b) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 winery license.

(c) The license authorizes the holder to display and sell wine.

(d) The license holder shall display and sell wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for a wine festival.

(e) The Board:

(1) may select four 4–day periods annually for the wine festival;

(2) except as provided in item (3) of this subsection, shall choose a location for a festival for which a license has not been issued; and

(3) may not issue a license for use in election district 46, except for the 1st precinct of the 22nd ward.

(f) The license holder may hold another alcoholic beverages license of a different class or nature.

(g) The Board shall set the license fee.

(h) The Board shall adopt regulations to carry out this section.

§12–1306.

(a) There is a wine sampling (WS) license.

(b) The Board may issue the license to a nonprofit organization.

(c) The license authorizes the transportation and consumption of wine for sampling:

(1) on premises for which a Class B or Class B–D–7 license has been issued, with the authorization of the holder of the license for the premises; or

(2) at a location that is not already licensed.

(d) The nonprofit organization shall apply for the license at least 15 days before the license is issued.

(e) The Board may issue not more than 12 licenses in a license year to a single nonprofit organization.

(f) A license holder may serve a quantity of not more than 2 ounces of wine from an offering to an individual.

(g) The Board shall set the license fee.

§12–1307.

(a) There is a 1–day Class BWT beer and wine tasting license.

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

(c) The license authorizes the license holder to allow on–premises consumption of beer and light wine for tasting.

(d) The Board may issue not more than 12 licenses per year to each license holder.

(e) A license holder may exercise the privileges under the license only during the hours and days provided for under the license holder's Class A license.

(f) A license holder may serve to an individual:

(1) light wine in a quantity of not more than 1 ounce from an offering; and

(2) beer in a quantity of not more than 3 ounces from an offering.

(g) At the end of the day for which a license is valid, the license holder shall dispose of any beer or wine that remains in a container opened for tasting.

(h) (1) The Board shall set the license fee.

(2) The license fee is in addition to the Class A annual license fee.

§12–1308.

(a) This section applies in:

(1) ward 27, precincts 42 and 44 of the 41st legislative district of the City;

(2) ward 27, precincts 41 and 48 of the 43rd legislative district of the City;

(3) ward 12, precinct 3 of the 43rd legislative district of the City;

(4) ward 11, precinct 5 of the 44th legislative district of the City;

(5) the 3000 block of Frederick Avenue in ward 20, precinct 9 of the 44A legislative district of the City, based on the Legislative Districting Plan of 2022; and

(6) the 46th legislative district of the City.

(b) There is a Class BWLT beer, wine, and liquor (on premises) tasting license.

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

(1) Class A beer, wine, and liquor license only in a location specified in subsection (a)(1) through (5) of this section; or

(2) Class A–7 beer, wine, and liquor license only in the 46th legislative district of the City.

(d) The license authorizes the holder to allow on–premises consumption of beer, light wine, and liquor for tasting.

(e) The license may be issued as:

(1) a daily tasting license, that may be issued not more than 12 times to a single license holder in a license year;

(2) a 26–day or 52–day tasting license, each of which may be used consecutively or nonconsecutively; and

(3) a tasting license that may be used daily throughout the year.

(f) (1) An applicant shall apply for the license on a form that the Board provides.

(2) The form shall specify the date or dates on which the tasting is requested to occur.

(3) The application and payment for the daily license shall be submitted at least 7 days before the tasting event.

(4) The application and payment for the 26–day tasting license and the 52–day tasting license shall be made at least 7 days before the first proposed tasting event.

(5) The holder of a 26–day tasting license and the holder of a 52–day tasting license shall notify the Board, on a form that the Board approves, of additional tasting events authorized by the licenses.

(g) The license holder may exercise the privileges under the license during the hours and days provided for under the license holder's Class A license.

(h) An individual may consume beer, light wine, or liquor covered by the license in a quantity of not more than:

(1) 1 ounce of light wine from an offering in a day;

(2) 3 ounces of beer from an offering in a day; and

(3) one–half ounce of liquor from an offering in a day.

(i) At the end of each day for which the license is valid, the license holder shall dispose of any alcoholic beverage that remains in a container opened for tasting.

(j) The Board shall set the license fee.

§12–1311.

(a) The Board shall set the license fee for a Class C per diem beer license and a Class C per diem beer and wine license.

(b) (1) The Board shall set the license fee for a Class C per diem beer, wine, and liquor license.

(2) The Board may collect from the license holder reimbursement for costs incurred while monitoring the event for which the license is issued.

(c) The Board shall impose a fee of not more than $250 for expedited processing of a per diem license application if the application is submitted less than 2 weeks before the scheduled event requiring the per diem license.

§12–1312.

A holder of a Class C per diem beer, wine, and liquor license may purchase beer and light wine from a wholesaler.

§12–1313.

(a) The Board may not charge a fee for a temporary license permit extension if:

(1) the applicant is an officially recognized and active main street organization established by the City that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code; and

(2) the event is a single event where the attendance is limited to 750 or fewer individuals.

(b) The Board shall enforce this section.

§12–1314.

(a) The Board shall adopt regulations relating to the application process for Class C per diem licenses issued in accordance with §§ 4–1203 and 4–1204 of this article.

(b) Regulations adopted by the Board under this section may authorize the Board to:

(1) deny or revoke a Class C per diem license; or

(2) limit the number of Class C per diem licenses that may be issued to a person for the same location within a calendar year.

§12–1401.

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the City 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) § 4–106 ("Payment of notice expenses");

(5) § 4–108 ("Application form required by Executive Director");

(6) § 4–111 ("Payment of license fees");

(7) § 4–112 ("Disposition of license fees");

(8) § 4–113 ("Refund of license fees"); and

(9) § 4–114 ("Fees for licenses issued for less than 1 year").

(b) Section 4–110 ("Required information on application — Petition of support") of Division I of this article does not apply in the City and is superseded by § 12–1405 of this subtitle.

(c) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the City:

(1) § 4–105 ("Application on behalf of limited liability company"), subject to § 12–1402 of this subtitle;

(2) § 4–107 ("Criminal history records check"), subject to § 12–1403 of this subtitle; and

(3) § 4–109 ("Required information on application — In general"), subject to § 12–1404 of this subtitle.

§12–1402.

An authorized person of a limited liability company who holds a license for the use of the limited liability company that was granted on or before June 1, 2012, need not be a registered voter in the City.

§12–1403.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

§12–1404.

The statement and acknowledgment required under § 4–109(b) of this article authorizing inspection and search without warrant of the premises is not required when an applicant applies for a license under § 12–1603(c) of this title if the applicant:

(1) files an affidavit that the applicant is the lessee of the premises; and

(2) provides a copy of the executed lease with the affidavit.

§12–1405.

The application shall include a petition signed by at least three residents who are owners of real property and registered voters in the City stating that:

(1) the applicant:

(i) is personally known to the signers of the petition; and

(ii) is a resident or taxpayer of the City at the time the applicant presents the application to the signers of the petition;

(2) if the applicant is a corporation, at least one of the applicants:

(i) is personally known to the signers of the petition;

(ii) is a resident or taxpayer of the City at the time the applicant presents the application to the signers of the petition; and

(iii) is a registered voter in the State; and

(3) if the applicant is a partnership, all members of the partnership are residents of the City at the time the applicants present the application to the signers of the petition.

§12–1406.

(a) In this section, "community association" means:

(1) a nonprofit association, corporation, or other organization that is:

(i) composed of residents of a community within which a nuisance is located;

(ii) operated exclusively for the promotion of social welfare and general neighborhood improvement and enhancement; and

(iii) exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code; or

(2) a nonprofit association, corporation, or other organization that is:

(i) composed of residents of a contiguous community that is defined by specific geographic boundaries, within which a nuisance is located;

(ii) operated for the promotion of the welfare, improvement, and enhancement of that community; and

(iii) in good standing with the State Department of Assessments and Taxation.

(b) If a community association and an applicant for the issuance or renewal of an alcoholic beverages license have entered into a memorandum of understanding that expressly acknowledges the authority of the Board under this article, the Board may make the issuance or renewal of the license conditional on the substantial compliance of the applicant with the memorandum of understanding.

(c) The existence of a memorandum of understanding does not affect any requirement of any individuals to file a protest under § 4–406 of this article or a complaint under § 4–603 of this article.

§12–1407.

(a) (1) The Board or the Board's designee shall examine each application for the issuance or transfer of a license within 45 days of receipt of the application to determine whether the application is complete.

(2) Except as provided in paragraph (3) of this subsection, an application for the issuance, transfer, or renewal is not complete unless the applicant has:

(i) obtained zoning approval or verification of zoning if the application is for renewal;

(ii) submitted all documents required in the application;

(iii) paid all fines and fees that are due; and

(iv) for the renewal of a Class A beer, wine, and liquor license, a Class A–2 beer, wine, and liquor license, or a Class A–7 beer, wine, and liquor license, submitted an affidavit as required by § 12–1804.2 of this title.

(3) An application for the issuance, transfer, or renewal of a Class B–D–7 license that may be issued under § 12–1603(c)(8) of this title in the Old Goucher Revitalization District under § 12–1603(e) of this title is complete without an applicant obtaining zoning approval or verification of zoning.

(b) (1) A license hearing may not be scheduled unless the Board determines that the application is complete.

(2) A complete application with all submitted documents shall be posted online at least 14 days before the hearing date.

(3) The postponement of a hearing shall be posted online not less than 72 hours before the hearing date.

(c) (1) To incorporate a change in the application document after the Board or the Board's designee has determined the application to be complete, the applicant shall submit the change to the Board not later than 15 days before the scheduled hearing.

(2) After the hearing on the application, an applicant may change the application only at a new hearing.

(d) The Board shall impose a fine that it determines for failure to comply with the requirements under this section.

§12–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the City without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–209 ("Hearing");

(5) § 4–210 ("Approval or denial of license application");

(6) § 4–211 ("License forms; effective date; expiration");

(7) § 4–212 ("License not property"); and

(8) § 4–213 ("Replacement licenses").

(b) Section 4–214 ("Waiting periods after denial of license applications") of Division I of this article does not apply in the City and is superseded by § 12–1507 of this subtitle.

(c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the City:

(1) § 4–202 ("Authority of local licensing boards"), subject to §§ 12–1502 and 12–1503 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to §§ 12–1504 and 12–1505 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 12–1505 of this subtitle and Subtitle 13, Part III of this title; and

(4) § 4–208 ("Notice of license application required"), subject to § 12–1506 of this subtitle.

§12–1502.

(a) On approving a license application, the Board shall present a certificate of approval for licensure to the Director of Finance.

(b) The Board may not issue a license until it receives clearance from the Director of Finance that all personal property taxes due to the City or the State are paid.

§12–1503.

The Board may not issue a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license to a person that holds an out–of–state alcoholic beverages license.

§12–1504.

A person may not have an interest in more than one license issued by the Board, regardless of whether that interest is held or controlled by direct or indirect ownership, stock ownership, interlocking directors or interlocking stock ownership, franchise operation, chain store operation, or any other direct or indirect manner.

§12–1505.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and light wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§12–1506.

(a) The notice of license application required under § 4–208 of this article shall be published in two newspapers of general circulation in the City.

(b) (1) This subsection applies to an application for a new license, a change in the class of a license, a request for live entertainment on the licensed premises, and an extension of the licensed premises.

(2) In addition to the newspaper notice required under § 4–208 of this article, the Board shall post a suitable notice in a conspicuous place at the location described in the application for at least 10 days before holding a hearing on the application.

(3) A notice under this subsection shall state the class of license for which application is made and the date, time, and place set by the Board for an application hearing.

§12–1507.

(a) Except as provided in subsection (b) of this section, if an application for a license is denied, the Board may not issue the same class of license to the same applicant or for the same location for 6 months after the denial.

(b) The restriction against the issuance of a license for the same location does not apply if the Board decides that the denial was directed against the applicant and not against the location.

§12–1508.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Owners of real or leasehold property" includes holders of leasehold improvements subject to a ground rent, the City, and the State.

(ii) "Owners of real or leasehold property" does not include the owner of the location described in the application.

(3) "Tenant" means an individual who rents a single–family dwelling and is residing there for at least 1 year immediately before the application hearing.

(b) A license application shall be denied if:

(1) more than 50% of the owners of real or leasehold property within 200 feet of the location described in the application oppose the issuing of the license; or

(2) more than 50% of those owners and tenants, in combination, of real or leasehold property located within 200 feet of the location described in the application oppose the issuing of the license.

(c) (1) If an owner of a dwelling participates as a protestant or proponent of the application, the owner and the tenant of the dwelling shall each have one–half vote.

(2) If property is rented jointly and one tenant appears in person at the hearing as a protestant, the other tenants' protest may be recorded by affidavit.

(d) (1) If the City or the State owns more than one building within 200 feet of the location described in the application, protest may be made solely for the building that is closest to the location described in the application.

(2) The City or the State may protest through an authorized representative of the Mayor and City Council.

§12–1509.

(a) The Board:

(1) may not require that protests against the issuance of a license be accompanied by an abstract of title from the land records of the City substantiating the protestants' ownership of the real or leasehold property; but

(2) may require that a qualified person familiar with the land records of the City appear at the hearing and testify as to who is the holder of full legal title as shown by the land records.

(b) If an owner of property that is owned jointly appears in person at the hearing as a protestant, the other owners' protest may be recorded by an affidavit.

(c) On request, the Board shall provide an affidavit form to any person who claims to be a protestant.

§12–1601.

The Board may not issue a new license to a location with a nonconforming use in an area zoned as "residential".

§12–1602.

(a) In the area bounded by Twenty–Fifth (25th) Street on the north, Centre Street on the south, Howard Street on the west, and Guilford Avenue on the east, the Board may not issue:

(1) a new license other than a Class B license; or

(2) an amusement license to the holder of a Class D beer, wine, and liquor license.

(b) The Board may not issue a Class A (off–sale) or a Class D (on– and off–sale) license in the area that is bounded:

(1) on the north by Thirty–Ninth (39th) Street, then following Ellerslie Avenue, then following Chestnut Hill Avenue;

(2) on the east by Loch Raven Boulevard, then following Walpert Avenue, then following Homewood Avenue;

(3) on the south by North Avenue; and

(4) on the west by Howard Street, then following Art Museum Drive, then following North Charles Street.

§12–1603.

(a) The alcoholic beverages districts described in this section at all times are coterminous with the legislative districts in the Legislative Districting Plan of 2022.

(b) Except as provided in subsection (c) of this section, the Board may not issue a new license in:

(1) the 40th alcoholic beverages district;

(2) the 41st alcoholic beverages district;

(3) the 43rd alcoholic beverages district;

(4) the 44th alcoholic beverages district; and

(5) the 45th alcoholic beverages district.

(c) The Board may issue:

(1) in the alcoholic beverages districts specified in subsection (b) of this section:

(i) a 1–day license; or

(ii) a Class B beer, wine, and liquor license to a restaurant that:

1. has a minimum capital investment, not including the cost of land and buildings, of $200,000 for restaurant facilities; and

2. has a minimum seating capacity of 75 individuals;

(2) subject to item (22) of this subsection, a Class C beer, wine, and liquor license in the 45th alcoholic beverages district;

(3) a Class C beer, wine, and liquor license in ward 5, precinct 1 of the 44th alcoholic beverages district;

(4) a Class C beer, wine, and liquor license in the 200 block of West Saratoga Street in ward 4, precinct 3 of the 40th alcoholic beverages district;

(5) if the applicant executes a memorandum of understanding with the Charles North Community Association, a Class C beer, wine, and liquor license to a club in the area bounded by North Charles Street on the west, East Lafayette Avenue on the north, North Lovegrove Street on the east, and East Lanvale Street on the south in the 45th alcoholic beverages district;

(6) a Class B–D–7 license in the unit block of West North Avenue in the 45th alcoholic beverages district;

(7) two Class B–D–7 licenses in the 2100 block of North Charles Street in the 43rd alcoholic beverages district;

(8) two Class B–D–7 licenses in the 2100 block of Maryland Avenue in the 43rd alcoholic beverages district;

(9) subject to the requirements under subsection (e) of this section, four Class B–D–7 licenses in the 43rd alcoholic beverages district;

(10) a Class B–D–7 license in the 5400 block of Harford Road in the 45th alcoholic beverages district if:

(i) average daily receipts from the sale of food are at least 65% of the applicant's total daily receipts;

(ii) the applicant executes a memorandum of understanding with a community association;

(iii) the applicant does not create a separate package goods department;

(iv) alcoholic beverages are served to patrons seated at tables; and

(v) alcoholic beverages are served only with meals to patrons provided with outdoor table service;

(11) a Class B–D–7 license in the 4800 block of Harford Road in the 45th alcoholic beverages district if:

(i) average daily receipts from the sale of food are at least 65% of the applicant's total daily receipts;

(ii) the applicant executes a memorandum of understanding with a community association;

(iii) the applicant does not create a separate package goods department;

(iv) alcoholic beverages are served to patrons seated at tables; and

(v) alcoholic beverages are served only with meals to patrons provided with outdoor table service;

(12) a Class B–D–7 license on the eastern side of the 400 block of North Howard Street in the 40th alcoholic beverages district if:

(i) the applicant does not convert the license to a different license class;

(ii) alcoholic beverages are served outdoors only to patrons seated at tables or standing in a courtyard area;

(iii) the applicant does not allow the off–premises sale of alcoholic beverages;

(iv) alcoholic beverages sales begin no earlier than 10 a.m.; and

(v) the applicant executes memorandums of understanding with the Downtown Partnership of Baltimore and the Market Center Merchants Association;

(13) if the applicant executes a memorandum of understanding with the Bolton Hill Community Association, a Class C beer, wine, and liquor license in the 1200 block of Eutaw Place in the 40th alcoholic beverages district;

(14) a Class B–D–7 license in the 700 block of Washington Boulevard in the 40th alcoholic beverages district if:

(i) average daily receipts from the sale of food are at least 65% of the applicant's total daily receipts;

(ii) the applicant executes a memorandum of understanding with a community association;

(iii) the applicant does not create a separate package goods department;

(iv) alcoholic beverages are served to patrons seated at tables; and

(v) alcoholic beverages are served only with meals to patrons provided with outdoor table service;

(15) a Class B–D–7 license in the 300 block of North Charles Street in the 40th alcoholic beverages district to an establishment that has a minimum capital investment, not including the cost of land and buildings, of $50,000 for the establishment's facilities;

(16) a Class C beer, wine, and liquor license in the 3600 block of Hickory Avenue in the 40th alcoholic beverages district to a holder of a Class C beer and light wine license;

(17) a Class A–7 beer, wine, and liquor license in the 1200 block of West North Avenue in the 40th alcoholic beverages district, if:

(i) the applicant executes a memorandum of understanding with the Penn North Community Association;

(ii) alcoholic beverages are sold only as part of a gift basket or floral arrangement; and

(iii) the applicant does not hold or apply for a Class BWLT beer, wine, and liquor (on–premises) tasting license;

(18) a Class B beer, wine, and liquor license for a restaurant on the even side of the 400 block of West 29th Street in the 40th alcoholic beverages district if:

(i) the applicant executes a memorandum of understanding with the Greater Remington Improvement Association; and

(ii) the Board waives a minimum seating requirement under item (1)(ii)2 of this subsection;

(19) a Class B–D–7 license in the 2600 block of Huntingdon Avenue in the 43rd alcoholic beverages district if:

(i) average daily receipts from the sale of items other than package goods are at least 51% of the applicant's total daily receipts;

(ii) the applicant executes a memorandum of understanding with the Greater Remington Improvement Association; and

(iii) the applicant does not create a separate package goods department;

(20) three Class B–D–7 licenses in the 2700 block of Huntingdon Avenue in the 43rd alcoholic beverages district if:

(i) average daily receipts from the sale of items other than package goods are at least 51% of the applicant's total daily receipts;

(ii) the applicant executes a memorandum of understanding with the Greater Remington Improvement Association; and

(iii) the applicant does not create a separate package goods department;

(21) a Class B–D–7 license in the 300 block of West 29th Street in the 43rd alcoholic beverages district if:

(i) average daily receipts from the sale of items other than package goods are at least 51% of the applicant's total daily receipts;

(ii) the applicant executes a memorandum of understanding with the Greater Remington Improvement Association; and

(iii) the applicant does not create a separate package goods department;

(22) a Class C beer, wine, and liquor license in the 400 block of East Oliver Street in the 45th alcoholic beverages district, only if:

(i) the applicant does not convert the license to a different license class;

(ii) alcoholic beverages are served outdoors only to patrons seated at tables or standing in a courtyard area;

(iii) the applicant does not allow the off–premises sale of alcoholic beverages;

(iv) alcoholic beverages sales begin not earlier than 10 a.m.; and

(v) the applicant executes a memorandum of understanding with the Greenmount West Community Association;

(23) a Class C beer and light wine license in the 2500 block of West North Avenue in the 40th alcoholic beverages district to be used during on–campus events if:

(i) the applicant executes a memorandum of understanding with the Greater Mondawmin Coordinating Council; and

(ii) the Board waives any requirements that sales can be made only to members and the guests of members;

(24) a Class C beer and wine license on the odd side of the 800 block of North Howard Street in the 40th alcoholic beverages district if:

(i) the applicant does not convert the license to a different license class;

(ii) the applicant does not transfer the license to a different location;

(iii) alcoholic beverages are served only to patrons indoors;

(iv) alcoholic beverages sales begin not earlier than 10 a.m. and end not later than 9 p.m.;

(v) the applicant provides not more than two 12–ounce offerings of beer or two 6–ounce offerings of wine by the glass for on–premises consumption by a patron while the patron is provided a barbering service regulated under Title 4, Subtitle 5 of the Business Occupations and Professions Article;

(vi) the Board waives any requirements that sales can be made only to members and the guests of members; and

(vii) the applicant executes a memorandum of understanding with the Mount Vernon – Belvedere Association;

(25) a Class B beer, wine, and liquor license for a restaurant on the even side of the unit block of South Carrollton Avenue in the 40th alcoholic beverages district if:

(i) the applicant executes a memorandum of understanding with the Hollins Roundhouse Association; and

(ii) the Board waives the minimum seating requirement under item (1)(ii)2 of this subsection; and

(26) a Class C beer, wine, and liquor license on the odd side of the 800 block of North Howard Street in the 40th alcoholic beverages district if:

(i) the applicant does not convert the license to a different license class;

(ii) the applicant does not transfer the license to a different location;

(iii) alcoholic beverages are served only to patrons indoors;

(iv) alcoholic beverages sales begin not earlier than 10 a.m. and end not later than 9 p.m.;

(v) the applicant provides not more than two 12–ounce offerings of beer, two 6–ounce offerings of wine by the glass, or two 1.5–ounce offerings of liquor for on–premises consumption by a patron while the patron is provided a barbering service regulated under Title 4, Subtitle 5 of the Business Occupations and Professions Article;

(vi) the Board waives any requirements that sales can be made only to members and the guests of members; and

(vii) the applicant executes a memorandum of understanding with the Mount Vernon – Belvedere Association.

(d) One Class B–D–7 license issued for a property surrounded by Morton Street on the west, West Eager Street on the north, North Charles Street on the east, and West Read Street on the south may be transferred to a property surrounded by 21st Street on the north, Morton Street on the west, North Charles Street on the east, and 20th Street on the south.

(e) (1) In this subsection, "Old Goucher Revitalization District" means the area surrounded by Howard Street on the west, 25th Street on the north, Hargrove Street on the east, and 21st Street on the south.

(2) If an establishment has a minimum capital investment, not including land and acquisition costs, of $50,000, the Board may issue one Class B–D–7 license for use in each of the following properties in the Old Goucher Revitalization District:

(i) a property that is surrounded by Maryland Avenue on the west, 24th Street on the north, Morton Street on the east, and 22nd Street on the south;

(ii) a property that is surrounded by Morton Street on the west, 23rd Street on the north, Lovegrove Street on the east, and 22nd Street on the south;

(iii) a property that is surrounded by Morton Street on the west, Ware Street on the north, Charles Street on the east, and 24th Street on the south; and

(iv) a property that is surrounded by Maryland Avenue on the west, 24th Street on the north, Morton Street on the east, and 23rd Street on the south.

(3) A Class B–D–7 license that may be issued under subsection (c)(6) or (7) of this section may be transferred within the Old Goucher Revitalization District.

§12–1604.

(a) This section applies only to the 46th alcoholic beverages district, which at all times is coterminous with the 46th legislative district in the Legislative Districting Plan of 2022.

(b) Except as provided in subsections (c), (d), (i), and (j) of this section, the Board may not issue a new license in the 46th alcoholic beverages district.

(c) (1) The Board may issue:

(i) a 1–day license; and

(ii) except as provided in paragraph (2) of this subsection, and subject to paragraphs (3) and (4) of this subsection, a Class B beer, wine, and liquor license for use by a restaurant if the average daily receipts from the sale of food are at least 51% of the total daily receipts of the restaurant.

(2) The Board may issue a Class B beer, wine, and liquor license:

(i) for a restaurant in ward 26, precinct 8, ward 4, precinct 1, or ward 3, precinct 3 that has:

1. seating for more than 150 individuals;

2. a minimum capital investment of $700,000; and

3. subject to paragraph (3) of this subsection, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant;

(ii) for a restaurant in ward 4, precinct 1, or ward 22, precinct 1, if the restaurant has:

1. seating for more than 75 individuals;

2. a minimum capital investment of $700,000;

3. average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant; and

4. except as provided in paragraph (5) of this subsection, no sales for off–premises consumption;

(iii) for not more than three restaurants in a residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04–697 on June 23, 2004, if each restaurant has:

1. a minimum capital investment of $700,000;

2. seating for more than 75 individuals;

3. average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant; and

4. except as provided in paragraph (6) of this subsection, no sales for off–premises consumption;

(iv) for not more than three restaurants in a business planned unit development in ward 24, precinct 5, if each restaurant:

1. has a minimum capital investment of $700,000;

2. has seating for more than 75 individuals, but not more than 150 individuals;

3. has average daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant; and

4. except as provided in paragraph (6) of this subsection, may not sell for off–premises consumption;

(v) for a restaurant in the area that is commonly known as Port Covington, bounded on the north by Interstate 95, on the east by the South

Locust Point Terminal, and on the south and west by the Patapsco River, and that has:

1. seating for more than 150 individuals;

2. a minimum capital investment of $700,000; and

3. subject to paragraph (3) of this subsection, average daily receipts from the sale of food that are at least 60% of the total daily receipts of the restaurant;

(vi) for a restaurant in Unit G of 3700 Toone Street in ward 26, precinct 8, if the restaurant has:

1. seating for at least 75 individuals;

2. a minimum capital investment of $700,000;

3. average daily receipts for the sale of food that are at least 65% of the total daily receipts of the restaurant; and

4. executed a memorandum of understanding with Brewer's Hill Neighbors, Inc.; and

(vii) for a restaurant in the area bounded on the north by Eastern Avenue, on the east by South Duncan Street, on the south by Fleet Street, and on the west by South Chester Street, if the restaurant has:

1. a physical duckpin bowling alley; and

2. a minimum capital investment of $500,000, excluding residential improvements.

(3) When a license is renewed, the license holder shall file with the Board a statement of average daily receipts and an affidavit of a licensed certified public accountant that verify that the license holder has met the requirement under paragraph (1)(ii) or (2)(i)3 or (v)3 of this subsection.

(4) (i) A license may not be issued under paragraph (1)(ii) of this subsection for use in an establishment that is a fast–food–style restaurant.

(ii) A license issued under paragraph (1)(ii) of this subsection may not be transferred from the location of its first issuance.

(5) The Board may issue a Class B beer, wine, and liquor license for a restaurant in ward 21, precinct 4:

(i) in the 1400 block of Warner Street that has:

1. seating for more than 150 individuals;

2. average daily receipts from the sale of food that are at least 40% of the total daily receipts of the restaurant; and

3. no sales for off–premises consumption; and

(ii) in the 1300 block of Warner Street that has:

1. average daily receipts from the sale of food that are at least 40% of the total daily receipts of the restaurant, unless the license holder offers food truck options on the licensed premises, in which case the average daily receipts from the sale of food may be at least 20% of the total daily receipts of the restaurant; and

2. no sales for off–premises consumption.

(6) A license specified under this subsection, including a license that does not allow sales for off–premises consumption, may include an off–sale privilege for sales of refillable containers under a refillable container license issued in accordance with § 12–1102 of this title.

(7) A license issued under paragraph (2)(vii) of this subsection:

(i) is not required to have a minimum amount of seating for patrons or a minimum amount of food sales to maintain licensure; and

(ii) may not be transferred from the location of its first issuance.

(d) (1) The Board may issue a Class D beer, wine, and liquor license to an applicant who holds or has applied for a Class 9 limited distillery license.

(2) A Class D beer, wine, and liquor license issued under this subsection may be transferred only to a holder of a Class 9 limited distillery license.

(3) Notwithstanding any restrictions or requirements in this title, a holder of a Class 9 limited distillery license who also holds a Class D (6–day) beer, wine, and liquor license and is located on the 4200 block of East Pratt Street may

apply to the Board to convert the existing Class D (6–day) beer, wine, and liquor license into a Class D (7–day) beer, wine, and liquor license.

(e) The Board may issue:

(1) a Class C beer, wine, and liquor license in the 200 block of Holliday Street in ward 3, precinct 3;

(2) a Class C beer, wine, and liquor license in the 200 block of South Central Avenue in ward 3, precinct 3; and

(3) subject to subsection (f) of this section, a Class D beer license for the area in ward 24, precinct 5 that is bounded by East Fort Avenue on the north, the CSX access way on the east, East McComas Street on the south, and Whetstone Way on the west.

(f) A Class D beer license may be transferred into the area specified under subsection (e)(3) of this section if originally issued for another area.

(g) (1) Notwithstanding subsection (c)(1) and (2) of this section, the Board may not issue a Class B beer, wine, and liquor restaurant license in:

(i) the area covered by the Key Highway East Industrial Area Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June 29, 1987;

(ii) the area covered by the Key Highway Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986;

(iii) 1. except as provided in paragraph (2) of this subsection, ward 1, precinct 4 or 5;

2. ward 23, precinct 1; and

3. ward 24, precinct 5; and

(iv) the area known as Pen Lucy, ward 9, precincts 1 and 2.

(2) (i) The Board may issue one Class B beer, wine, and liquor license for a restaurant in ward 1, precinct 4, in the 2700 block of Boston Street that has:

1. seating for more than 75 individuals;

2. average daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant;

3. a minimum capital investment of at least $700,000 for restaurant facilities; and

4. executed a memorandum of understanding with the Canton Community Association.

(ii) The license described in this paragraph may not:

1. except for delivery to a vessel docked at an adjacent marina, be used for off–premises sales; or

2. be transferred from the location of its original issuance.

(h) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Board may not issue a license for:

(i) ward 1, precincts 4 and 5;

(ii) ward 23, precinct 1; or

(iii) ward 24, precinct 5.

(2) (i) The Board may issue not more than a combined total of five Class B beer, wine, and liquor licenses for use by establishments on the north side of the 900 block of East Fort Avenue and on the west side of the 1400 block of Lawrence Street.

(ii) A license issued for an establishment in these areas may not be transferred to another establishment.

(3) The Board may issue not more than one Class B–HM (hotel–motel) beer, wine, and liquor license to a hotel in the 1200 block of East Fort Avenue.

(i) The Board may issue a Class D beer and light wine license for an establishment in ward 26, precinct 8 on the west side of the 1200 block of South Haven Street that has executed a memorandum of understanding with Brewer's Hill Neighbors, Inc.

(j) (1) In the area bounded on the north by Interstate 95, on the east by the South Locust Point Terminal, and on the south and west by the Patapsco River, the Board may issue not more than:

(i) a total of 10 new Class B–D–7 licenses; and

(ii) a total of 2 new Class A–7 licenses.

(2) Any license issued under this subsection may not be transferred outside the bounded area as defined under paragraph (1) of this subsection.

(3) The Board may not authorize the transfer of a license into the bounded area as defined under paragraph (1) of this subsection.

§12–1604.1.

(a) This section applies only to a license holder of a Class D beer and light wine license for use in the 46th alcoholic beverages district.

(b) (1) A license holder who holds a valid Class D beer and light wine license may apply to the Board to convert the license to a Class D beer, wine, and liquor license if the license holder:

(i) 1. maintains average daily receipts from the sale of food that are at least 51% of its total daily receipts;

2. executes a memorandum of understanding with the relevant local neighborhood association as determined by the Board;

3. operates a location with not more than 75 seats; and

4. pays a special transfer fee of $15,000, in addition to any fees required under § 12–1704 of this title; or

(ii) 1. holds a license that was originally issued by the Board under § 12–1604(i) of this subtitle; and

2. pays a special transfer fee of $15,000, in addition to any fees required under § 12–1704 of this title.

(2) If a Class D beer and light wine license is converted to a Class D beer, wine, and liquor license under paragraph (1) of this subsection, the Class D beer, wine, and liquor license:

(i) may not be transferred to a new location; and

(ii) is subject to the requirements of paragraph (1) of this subsection.

(c) A holder of a license converted under this section may sell beer, wine, and liquor Monday through Sunday from 6 a.m. until 1 a.m. the following day.

(d) An application to convert a Class D beer and light wine license under subsection (b)(1) of this section is a transfer subject to the provisions of § 12–1701 of this title.

§12–1605.

(a) (1) (i) Except as otherwise provided in this subsection, a new license may not be issued for and an existing license may not be moved to a building that is within 300 feet of the nearest point of the building of a place of worship or school.

(ii) In the 45th legislative district, a new Class A license of any type may not be issued for a building that is within 500 feet of the nearest point of the building of a place of worship or school.

(2) Paragraph (1)(i) of this subsection does not apply to:

(i) a Class A–7 beer, wine, and liquor license issued under § 12–1603(c)(17) of this subtitle;

(ii) a Class B beer and wine license outside the 46th legislative district;

(iii) a Class B beer, wine, and liquor license outside the 46th legislative district;

(iv) a Class B–D–7 license in the Old Goucher Revitalization District under § 12–1603(e) of this subtitle;

(v) a Class C beer and wine license; and

(vi) a Class C beer, wine, and liquor license.

(3) A license for use in a building that is within 300 feet of the grounds of a place of worship or school may be renewed or extended for the same building.

(4) (i) This paragraph applies only to an area bounded by:

1. High Street on the west, Pratt Street on the north, Central Avenue on the east, and Eastern Avenue on the south;

2. West Cross Street and Amity Street on the west, Clifford Street on the north, Scott Street on the east, and Carroll Street on the south;

3. Holliday Street on the west, Saratoga Street on the north, Gay Street on the east, and Lexington Street on the south; or

4. subject to subparagraph (iii) of this paragraph, Fagley Street on the west, Gough Street on the north, Grundy Street on the east, and Chestle Place on the south.

(ii) The Board may waive the distance restrictions in paragraph (1)(i) of this subsection for an application for the transfer of a license into an area specified in subparagraph (i) of this paragraph if:

1. the application is approved by:

A. each community association representing the area;

B. each business association in the area; and

C. the ordained leader and the board or council for each place of worship that is within 300 feet of the proposed location of the establishment for which the license transfer is sought; and

2. a memorandum of understanding is executed by the applicant for the license transfer and each community association in the area.

(iii) The Board may not issue a license in or approve the transfer of a license into the area specified in subparagraph (i)4 of this paragraph if:

1. the proposed location of the establishment is in an area that is zoned "residential"; or

2. the license to be issued or transferred is a Class A license of any type.

(5) (i) This paragraph applies only to an area bounded by East Chase Street on the north, North Lovegrove Street on the east, East Eager Street on the south, and North Charles Street on the west.

(ii) The Board may waive the distance restrictions in paragraph (1)(i) of this subsection for an application for the transfer of a license into an area specified in subparagraph (i) of this paragraph.

(b) (1) This subsection:

(i) applies only in the 46th alcoholic beverages district; and

(ii) does not apply to a licensed restaurant in:

1. ward 4, precinct 1;

2. ward 22, precinct 1;

3. a residential planned unit development for Silo Point as approved by the Mayor and City Council in Ordinance 04–697 on June 23, 2004;

4. subject to paragraph (3) of this subsection, the area that is bounded as follows: from the intersection of West Ostend Street and Race Street, north on Race Street to Seldner Place, then east on Seldner Place to Clarkson Street, then north on Clarkson Street to West Cross Street, then east on West Cross Street to South Hanover Street, then north on South Hanover Street to Race Street (also known as Winter Street), then west/southwest on Race Street to West Cross Street, then west on West Cross Street to Leadenhall Street, then south on Leadenhall Street to West Ostend Street, then east on West Ostend Street back to the intersection of West Ostend Street and Race Street;

5. subject to paragraph (4) of this subsection, the area that is bounded as follows: from the intersection of Eastern Avenue and South Highland Avenue, north on South Highland Avenue to Bank Street, then west on Bank Street to South Clinton Street, then south on South Clinton Street to Eastern Avenue, then east on Eastern Avenue back to the intersection of Eastern Avenue and South Highland Avenue; or

6. subject to paragraph (5) of this subsection, the area that is bounded as follows: from the intersection of Eastern Avenue and South Newkirk Street, east on Eastern Avenue to Oldham Street, then south on Oldham Street to Fleet Street, then west on Fleet Street to South Newkirk Street, then north

on South Newkirk Street back to the intersection of South Newkirk Street and Eastern Avenue.

(2) The Board may not issue or approve the transfer of a license if the licensed premises would be:

(i) within 300 feet of the nearest point of a place of worship or school; or

(ii) closer to the nearest point of a place of worship or school than the licensed premises was on June 1, 2004.

(3) For an establishment that is within 300 feet of the nearest point of a place of worship or school, the Board may issue a license in or approve the transfer of a license into the area specified in paragraph (1)(ii)4 of this subsection only if the Board:

(i) has executed a memorandum of understanding with a community association in the area specified in paragraph (1)(ii)4 of this subsection regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under paragraph (1)(ii)4 of this subsection and seeks to renew or transfer the license.

(4) For an establishment that is within 300 feet of the nearest point of a place of worship or school, the Board may issue a license in or approve the transfer of a license into the area specified in paragraph (1)(ii)5 of this subsection only if the Board:

(i) has executed a memorandum of understanding with a community association in the area specified in paragraph (1)(ii)5 of this subsection regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under paragraph (1)(ii)5 of this subsection and seeks to renew or transfer the license.

(5) For an establishment that is within 300 feet of the nearest point of a place of worship or school, the Board may issue a license in or approve the transfer of a license into the area specified in paragraph (1)(ii)6 of this subsection only if the license holder has received a letter of support from the place of worship or school that is within the bounded area and has entered into a memorandum of understanding with a community association that is within the bounded area.

§12–1606.

(a) Notwithstanding any other provision of law in this title, the Board may issue a Class B beer, wine, and liquor license for use by a restaurant in ward 4, precincts 1 and 2 that:

(1) has average daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant;

(2) has been classified by the Baltimore City Health Department as:

(i) a high priority food service facility; or

(ii) a moderate priority food service facility; and

(3) has executed a memorandum of understanding with the Downtown Partnership of Baltimore.

(b) (1) Except as provided in paragraph (2) of this subsection, the holder of a license issued under this section may not sell alcoholic beverages for off–premises consumption.

(2) The Board may issue the holder of a license issued under this section a refillable container permit in accordance with § 12–1102 of this title.

(c) A license issued under this section may not be transferred from the location of its first issuance.

(d) If a license issued under this section is renewed, the license holder shall file with the Board as part of its renewal application:

(1) a statement detailing the average daily receipts from the restaurant;

(2) an affidavit from a certified public accountant that verifies that the license holder meets the requirements of subsection (b)(1) of this section; and

(3) any other information that the Board requires.

(e) The Board:

(1) may not issue a new license under this section after June 30, 2028; but

(2) may continue to renew licenses issued on or before June 30, 2028.

§12–1608.

A holder of a Class B (on–sale – hotels and restaurants) beer, wine, and liquor license may be issued:

(1) not more than three additional Class B (on–sale – hotels and restaurants) beer, wine, and liquor licenses for an apartment house with at least 150 apartments; or

(2) not more than five additional Class B (on–sale – hotels and restaurants) beer, wine, and liquor licenses for a hotel with at least 100 rooms.

§12–1609.

(a) The Board may:

(1) subject to subsection (c) of this section, issue an additional Class B (on–sale — hotels and restaurants) beer, wine, and liquor license for premises used as a restaurant that meets the requirements of subsection (b) of this section to the holder of a Class B (on–sale — hotels and restaurants) beer, wine, and liquor license; and

(2) define "restaurant" by regulation.

(b) (1) Except as provided in subsection (e) of this section, a restaurant under this section is required to have:

(i) a minimum capital investment of $500,000 for restaurant facilities; and

(ii) a minimum seating capacity of 125 individuals.

(2) The capital investment described in paragraph (1)(i) of this subsection may not include the cost of land or buildings.

(c) The Board may not issue more than five licenses under this section to or for the use of the same person.

(d) Additional licenses shall be limited to providing alcoholic beverages for on–premises consumption.

(e) The Board may waive the minimum capital investment requirement and the minimum seating capacity requirement under subsection (b)(1) of this section for an additional restaurant that a license holder seeks under this section if the Board:

(1) holds a public meeting at which the Board reviews the business practice of the license holder; and

(2) determines that the license holder is in good standing and has a reputable business practice.

§12–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the City without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house");

(2) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(3) § 4–306 ("Substitution of names of officers on license").

(b) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the City:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory"), subject to §§ 12–1702, 12–1703, 12–1705, 12–1706, 12–1707, and 12–1708 of this subtitle; and

(2) § 4–305 ("Filing fee and endorsement"), subject to § 12–1704 of this subtitle.

§12–1702.

(a) The Board shall provide notice for a public hearing as provided in § 12–1506 of this title on an application for a license transfer if:

(1) the transfer includes a transfer of location;

(2) the premises have been closed for more than 90 days unless:

(i) the transfer is due to an action of a creditor; or

(ii) the closing is caused by fire, casualty, or act of God; or

(3) for an establishment in operation, the hearing is requested by at least 10 residents in the immediate area of the establishment.

(b) (1) Section 12–1508 of this title does not apply to an application for a license transfer for the same premises unless the license to be transferred is of a broader scope or more permissive class than the license presently issued for the same premises.

(2) Section 12–1509 of this title applies to an application for a license transfer.

(c) The Board shall use the factors specified in § 4–210(a) and (b) of this article in deciding whether to approve an application for a license transfer.

§12–1703.

The Board may not allow the transfer of a license unless the Board is presented with a receipt or certificate from the Director of Finance showing that all personal property taxes due the City or the State are paid.

§12–1704.

(a) Except as provided in subsection (b) of this section, the fee for a transfer of a license is $200, in addition to the costs of publication and notice and any hearing fees required.

(b) A Class C license holder may transfer one license during a license year without paying a fee.

§12–1705.

(a) Except as provided in subsection (b) of this section, a transfer of a license shall be completed on or before 180 days after the Board approves the transfer.

(b) (1) Within 180 days after the Board approves the transfer of a license, the license holder or another appropriate interested party may make a written request to the Board to extend the time authorized to complete the transfer due to hardship.

(2) The Board may grant the extension if the Board finds after a hearing that an existing hardship caused the delay in transferring the license.

(3) An extension may not prolong the period authorized to complete the transfer beyond 270 days after the Board approves the transfer.

§12–1705.1.

The Board may not allow the transfer of a license to another person until the resolution of:

(1) any pending criminal charge filed against the transferor that directly relates to the operation of the licensed premises; or

(2) any disciplinary matter before the Board concerning the transferor.

§12–1706.

(a) The Board may not transfer a license into the area bounded by Twenty–Fifth (25th) Street on the north, Centre Street on the south, Howard Street on the west, and Guilford Avenue on the east.

(b) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, the Board may not transfer a license into:

(i) ward 1, precincts 4 and 5;

(ii) ward 23, precinct 1; or

(iii) ward 24, precinct 5.

(2) The Board may allow the transfer of one Class D license into the residential planned unit development for Silo Point located in ward 24, precinct 5 that was enacted by the Mayor and City Council of Baltimore City in Ordinance 04–697 on June 23, 2004, if the Class D license holder operates the establishment in accordance with the provisions of Ordinance 04–697.

(3) The Board may allow the transfer of:

(i) a Class B–D–7 beer, wine, and liquor license from an area in ward 1, precinct 4 bounded on the north by Elliott Street, on the west by South Robinson Street, on the south by Toone Street, and on the east by Southeast Avenue into an area in ward 1, precinct 5 bounded on the north by Fait Avenue, on the west by South Kenwood Avenue, on the south by Hudson Street, and on the east by South Streeper Street; and

(ii) a Class D beer, wine, and liquor license from an area in ward 1, precinct 5 bounded on the north by Fait Avenue, on the west by South Kenwood Avenue, on the south by Hudson Street, and on the east by South Streeper Street into an area in ward 1, precinct 4 bounded on the north by Elliott Street, on the west by South Robinson Street, on the south by Toone Street, and on the east by Southeast Avenue.

(4) (i) The Board may allow the transfer of not more than two Class B beer, wine, and liquor licenses, so that the cumulative number of licenses issued or transferred is two, into the area of 829 through 919 E. Fort Avenue only if:

1. the Board has executed a memorandum of understanding between the community associations in Riverside and Locust Point regarding the nature of the proposed establishment; and

2. the Board enforces the memorandum of understanding against any license holder that obtains a license under § 12–1604 of this title and seeks to transfer the license.

(ii) The Board may not allow a license to be transferred out of the area described in subparagraph (i) of this paragraph and into any other area of ward 24, precinct 5.

(c) The Board may not authorize:

(1) the transfer of any license into the 46th alcoholic beverages district;

(2) the transfer of a new Class B beer, wine, and liquor license to another location within the 46th alcoholic beverages district; or

(3) a change of classification of a new Class B beer, wine, and liquor license within the 46th alcoholic beverages district.

(d) (1) Except as provided in paragraph (2) of this subsection, a license may not be transferred into or within:

(i) ward 1, precincts 2 and 3;

(ii) ward 2 in its entirety;

(iii) ward 3, precinct 3; and

(iv) ward 26, precincts 3 and 10.

(2) This subsection does not apply to an application for a new license or a transfer from within the areas described in paragraph (1) of this subsection if the new license or transfer is for:

(i) a hotel;

(ii) an establishment located in a planned unit development if the application for the planned unit development was filed or approved before December 31, 1995;

(iii) an establishment located in an area governed by the Inner Harbor East Urban Renewal Plan; or

(iv) an establishment that has:

1. a seating capacity of fewer than 150 individuals;

2. average daily receipts from the sale of food that are at least 51% of the total daily receipts of the establishment; or

3. a seating capacity of fewer than 200 individuals only if the establishment is within ward 3, precinct 3.

§12–1707.

(a) The alcoholic beverages districts described in this section at all times are coterminous with the legislative districts in the Legislative Districting Plan of 2022.

(b) Except as provided in subsection (c) of this section, a license may not be transferred into:

(1) the 40th alcoholic beverages district;

(2) the 41st alcoholic beverages district;

(3) the 43rd alcoholic beverages district;

(4) the 44th alcoholic beverages district; and

(5) the 45th alcoholic beverages district.

(c) (1) Except as provided in paragraphs (2) through (4) of this subsection, a license of any class may not be transferred into the areas described in subsection (b) of this section.

(2) A licensed drugstore may transfer the license into the 45th alcoholic beverages district.

(3) One Class B–D–7 license issued for a property surrounded by West Preston Street on the north, Morton Street on the east, West Biddle Street on the south, and Maryland Avenue on the west may be transferred to a property surrounded by West Eager Street and East Eager Street on the north, Lovegrove Street on the east, West Read Street and East Read Street on the south, and Morton Street on the west.

(4) One Class A beer, wine, and liquor license issued for a property surrounded by West Eager Street on the north, Morton Street on the east, Brexton Street on the south, and Cathedral Street on the west may be transferred to a property surrounded by East Chase Street on the north, North Lovegrove Street on the east, East Eager Street on the south, and North Charles Street on the west.

§12–1708.

(a) A Class A (off–sale) or Class D (on– and off–sale) license may not be transferred into the area that is bounded:

(1) on the north by Thirty–Ninth (39th) Street, then following Ellerslie Avenue, then following Chestnut Hill Avenue;

(2) on the east by Loch Raven Boulevard, then following Walpert Avenue, then following Homewood Avenue;

(3) on the south by North Avenue; and

(4) on the west by Howard Street, then following Art Museum Drive, then following North Charles Street.

(b) A Class A license may not be transferred to an establishment:

(1) on York Road in the area bounded by Northern Parkway on the north and Greenmount Avenue on the south; or

(2) located in the 400 block of East Belvedere Avenue.

§12–1709.

Notwithstanding § 12–1504 of this title, a person that has an interest in more than one Class A license may transfer each license to a similar type of business establishment.

§12–1710.

A person may transfer a license to a holder of another license that already exists for use on the same location if:

(1) no provision of this article prohibits the license from being transferred to the location;

(2) the Board:

(i) determines that the existing license is inoperative; and

(ii) 1. revokes the existing license within 180 days after the effective date of the transfer; or

2. approves the transfer of the existing license to a new holder and location.

§12–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the City without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–407 ("Denial of renewal application");

(4) § 4–408 ("Issuance of renewed licenses");

(5) § 4–409 ("Multiple licenses"); and

(6) § 4–410 ("Chain store, supermarket, or discount house").

(b) Section 4–404 ("Filing period for renewal application") of Division I of this article does not apply in the City and is superseded by § 12–1802 of this subtitle.

(c) The following sections of Title 4, Subtitle 4 ("Renewal of local licenses") of Division I of this article apply in the City:

(1) § 4–405 ("Contents of renewal application"), subject to §§ 12–1803 and 12–1804 of this subtitle; and

(2) § 4–406 ("Protests"), subject to § 12–1805 of this subtitle.

§12–1802.

To renew a license, the license holder annually shall file an application with the Board between March 1 and March 31, inclusive.

§12–1803.

(a) This section applies only to a license that is issued in, transferred into, or transferred to a different location within the following areas of the 46th alcoholic beverages district if the application for the issuance or transfer was received by the Board after December 31, 1995:

(1) ward 1, precincts 2, 3, 4, and 5;

(2) ward 2, in its entirety;

(3) ward 3, precinct 3; and

(4) ward 26, precinct 10.

(b) A license holder shall file with a license renewal application a copy of the valid seating capacity rating issued by the Baltimore City Fire Department for the licensed premises.

(c) (1) If the seating capacity rating for the licensed premises exceeds 150 persons, the Board may require the license holder to submit with the license renewal application an accounting of the gross sales for the previous license year.

(2) The accounting described in this subsection shall:

(i) be in accordance with generally accepted accounting principles; and

(ii) at a minimum, specify separate figures for:

1. total sales, not including sales of novelty items, income from vending machines, or other sales not directly related to food or beverages;

2. alcoholic beverages sales; and

3. food sales.

§12–1804.

(a) This section applies only to a license holder of a Class B beer, wine, and liquor license for use in a restaurant in the 46th Alcoholic Beverages District.

(b) A license holder shall file with a license renewal application:

(1) a statement that verifies average daily receipts; and

(2) an affidavit of a licensed certified public accountant that verifies compliance with § 12–903(c)(2)(ii)1 or (3)(iii) of this title.

§12–1804.1.

When determining whether a license should be renewed and, if so, whether any conditions should be attached, the Board may consider the performance of the license holder for the 4–year period immediately before the date of the renewal application.

§12–1804.2.

(a) This section applies only to a holder of:

(1) a Class A beer, wine, and liquor license;

(2) a Class A–2 beer, wine, and liquor license; and

(3) a Class A–7 beer, wine, and liquor license.

(b) (1) A license holder shall maintain and operate a digital surveillance system on the licensed premises in accordance with this section and regulations adopted by the Board under subsection (c) of this section.

(2) The digital surveillance system shall be equipped with high–definition cameras that provide continuous, 24–hour video monitoring without audio recording capacity placed inside and outside the licensed premises.

(3) The cameras must be placed in such a way that:

(i) the exterior of each entryway into the licensed premises is monitored;

(ii) the interior of each entryway into the licensed premises is monitored; and

(iii) the cash register or till is monitored.

(4) The video recorded from the surveillance system shall be retained for not less than 14 days.

(5) A license holder must post appropriate signage notifying individuals on the premises they are being recorded.

(c) (1) On or before December 31, 2020, the Board shall adopt regulations relating to digital surveillance in consultation with the Baltimore Police Department.

(2) The regulations adopted in accordance with paragraph (1) of this subsection shall:

(i) require that licensed establishments retain video recordings from the surveillance system for not less than 14 days but not more than 30 days;

(ii) require that a notice be placed in a conspicuous location on the interior and exterior of the premises location notifying the public that the licensed establishment is subject to 24–hour video surveillance monitoring;

(iii) include details regarding the specifications for what types of video surveillance systems are acceptable;

(iv) require that the Baltimore Police Department may request video footage only in connection with a criminal investigation and that video footage obtained in violation of this section is inadmissible in a criminal proceeding;

(v) include details on how and when the Board will verify that an acceptable video surveillance system has been installed as well as penalties for failure to comply with this section; and

(vi) provide for the issuance of temporary waivers to license holders who purchased and installed noncompliant surveillance systems prior to October 1, 2020.

(d) Beginning January 1, 2021, a license holder applying for a license renewal shall file with the license renewal application an affidavit verifying compliance with subsection (b) of this section.

§12–1805.

To hear and determine a protest filed against a license renewal, the Board:

(1) shall consider only issues with respect to a specific complaint as to the operation of the licensed premises; and

(2) may not consider zoning issues.

§12–1806.

Section 12–1508 of this title does not apply to an application for a license for the same premises by way of renewal.

§12–1807.

Section 12–2103 of this title applies to a holder of a license that has been renewed.

§12–1808.

(a) An applicant for license renewal shall pay a renewal application fee of $78 to the Director of Finance in addition to the license fee.

(b) A license renewal application that the Board receives after March 31 may be:

(1) rejected; or

(2) subject to a late fine of $50 for each day the application is late, up to a maximum amount of $1,500.

§12–1809.

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

§12–1810.

Notwithstanding § 12–1503 of this title, the Board may renew a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license originally issued to a holder of an out–of–state alcoholic beverages license.

§12–1811.

Notwithstanding § 12–1504 of this title, a person that has an interest in more than one Class A license may renew the licenses.

§12–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the City without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the City:

(1) § 4–504 ("Employment of underage individuals"), subject to § 12–1903 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 12–1904 of this subtitle.

§12–1902.

(a) An establishment with multiple public areas in which alcoholic beverages are sold shall display a duplicate license in each area.

(b) The fee for a duplicate license is $20.

§12–1903.

A license holder:

(1) may employ an individual at least 18 years old to sell, serve, deliver, or otherwise deal with alcoholic beverages; and

(2) may not employ or allow an individual under the age of 18 years to:

(i) sell, serve, or deliver alcoholic beverages; or

(ii) provide entertainment on the licensed premises.

§12–1904.

(a) The alcohol awareness program also applies to an unlicensed establishment that is covered under Subtitle 25 of this title.

(b) An owner of an unlicensed establishment or individual who is designated by the owner and employed in a supervisory capacity is required to be:

(1) certified by an approved alcohol awareness program; and

(2) present when alcoholic beverages are served or consumed.

§12–2001.

(a) (1) Except as otherwise provided by law or regulation, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages:

(i) in a premises licensed under this title; or

(ii) in a place, whether it has any other license, if any form of live or recorded entertainment is offered at the place.

(2) An owner, an operator, or a manager of a premises or place described in paragraph (1) of this subsection may not knowingly allow consumption of alcoholic beverages prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§12–2003.

(a) (1) Except as provided in § 12–2005 of this subtitle, a holder of a Class A beer and light wine license may sell beer and light wine:

(i) on Monday through Saturday:

1. from 9 a.m. to 10 p.m. in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

2. from 6 a.m. to midnight in all other locations in the City; and

(ii) on the Sundays that fall between Thanksgiving Day and New Year's Day, from 1 p.m. to 9 p.m., if, on or before September 30 of that year, the license holder has paid a supplementary license fee of $120 for each Sunday the privilege is to be exercised.

(2) In addition to the privileges specified under paragraph (1)(ii) of this subsection, the license holder may sell beer and light wine for off–premises consumption on two additional Sundays during the calendar year if the holder pays a license fee of $120 at least 2 weeks before each time the privilege is exercised.

(b) (1) Except as provided in § 12–2005 of this subtitle, a holder of a Class B beer and light wine license may sell beer and light wine:

(i) from 9 a.m. to 2 a.m. the following day in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

(ii) from 6 a.m. to 2 a.m. the following day in all other locations in the City.

(2) Except as provided in § 12–2005 of this subtitle and § 12–903(d) of this title, the license holder may sell beer and light wine at a bar or counter on Sunday.

(c) (1) Except as otherwise provided in this subtitle, a holder of a Class C beer and light wine license may sell beer and light wine:

(i) from 9 a.m. to 2 a.m. the following day in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

(ii) from 6 a.m. to 2 a.m. the following day in all other locations in the City.

(2) Except as provided in § 12–2005 of this subtitle, the license holder may sell beer and light wine at a bar or counter on Sunday.

(d) Except as provided in § 12–2005 of this subtitle, a holder of a Class D beer and light wine license may sell beer and light wine:

(1) from 9 a.m. to 1 a.m. the following day in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

(2) from 6 a.m. to 1 a.m. the following day in all other locations in the City.

§12–2004.

(a) (1) Except as otherwise provided in this subtitle, a holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday:

1. from 9 a.m. to 10 p.m. in the area specified in the Park Heights Master Plan adopted by the City in 2006;

2. from 9 a.m. to 10 p.m. in an area bounded as follows: from the intersection of Belair Road and Anntana Avenue, southwest on Belair Road to the intersection of Belair Road and Frankford Avenue, southeast on Frankford Avenue to the intersection of Frankford Avenue and Sipple Avenue, west on Sipple Avenue to the intersection of Sipple Avenue and Crenshaw Avenue, southeast on Crenshaw Avenue to the intersection of Crenshaw Avenue and Goodnow Road, southeast on Goodnow Road to the intersection of Goodnow Road and Sinclair Lane, northeast on Sinclair Lane to the intersection of Sinclair Lane and Radecke Avenue, west on Radecke Avenue to the intersection of Radecke Avenue and Anntana Avenue, then north on Anntana Avenue to the intersection of Anntana Avenue and Belair Road; and

3. from 6 a.m. to midnight in all other locations in the City; and

(ii) on the Sundays that fall between Thanksgiving Day and New Year's Day, from 1 p.m. to 9 p.m., if, on or before September 30 of that year, the license holder has paid a supplementary license fee of $120 for each Sunday the privilege is to be exercised.

(2) In addition to the privileges specified under paragraph (1)(ii) of this subsection, the license holder may sell beer, wine, and liquor for off–premises

consumption on two additional Sundays during the calendar year if the holder pays a license fee of $120 at least 2 weeks before each time the privilege is exercised.

(b) (1) Except as provided in § 12–2005 of this subtitle, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) from 9 a.m. to 2 a.m. the following day in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

(ii) from 6 a.m. to 2 a.m. the following day in all other locations in the City.

(2) In the 47th alcoholic beverages district in the City, the hours for sales of beer, wine, and liquor for off–premises consumption under a Class B beer, wine, and liquor license for use in a restaurant are as provided in § 12–903(d) of this title.

(3) Except as provided in § 12–2005 of this subtitle and § 12–903(d) of this title, the license holder may sell beer, wine, and liquor at a bar or counter on Sunday.

(c) A holder of a Class B–D–7 beer, wine, and liquor license may sell beer, wine, and liquor:

(1) from 9 a.m. to 9 p.m. in the area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue;

(2) from 9 a.m. to 9 p.m. along the south side of Frederick Avenue between South Augusta Avenue and South Loudon Avenue;

(3) from 9 a.m. to 10 p.m. in the area specified in the Park Heights Master Plan adopted by the City in 2006;

(4) from 9 a.m. to 10 p.m. in an area bounded as follows: from the intersection of East North Avenue and Harford Avenue, southwest on Harford Avenue to the intersection of Harford Avenue and North Central Avenue, south on North Central Avenue to the intersection with East Monument Street, east on East Monument Street to the intersection of East Monument Street and North Wolfe Street, south on North Wolfe Street to the intersection of North Wolfe Street and McElderry Street, east on McElderry Street to the intersection of McElderry Street and North Collington Avenue, south on North Collington Avenue to the intersection of North Collington Avenue and East Fayette Street, east on East Fayette Street to the intersection of East Fayette Street and North Lakewood Avenue, north on North Lakewood Avenue to the intersection of North Lakewood Avenue and East Monument

Street, west on East Monument Street to the intersection of East Monument Street and North Luzerne Avenue, north on North Luzerne Avenue to the intersection of North Luzerne Avenue and East Federal Street, west on East Federal Street to the intersection of East Federal Street and North Rose Street, north on North Rose Street to the intersection of North Rose Street and East North Avenue, then west on East North Avenue to the intersection of East North Avenue and Harford Avenue;

(5) from 9 a.m. to 10 p.m. in an area bounded as follows: from the intersection of Belair Road and Anntana Avenue, southwest on Belair Road to the intersection of Belair Road and Frankford Avenue, southeast on Frankford Avenue to the intersection of Frankford Avenue and Sipple Avenue, west on Sipple Avenue to the intersection of Sipple Avenue and Crenshaw Avenue, southeast on Crenshaw Avenue to the intersection of Crenshaw Avenue and Goodnow Road, southeast on Goodnow Road to the intersection of Goodnow Road and Sinclair Lane, northeast on Sinclair Lane to the intersection of Sinclair Lane and Radecke Avenue, west on Radecke Avenue to the intersection of Radecke Avenue and Anntana Avenue, then north on Anntana Avenue to the intersection of Anntana Avenue and Belair Road; and

(6) from 6 a.m. to 2 a.m. the following day in all other locations in the City.

(d) (1) Except as otherwise provided in this subtitle, a holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor:

(i) from 9 a.m. to 2 a.m. the following day in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

(ii) from 6 a.m. to 2 a.m. the following day in all other locations in the City.

(2) Except as provided in § 12–2005 of this subtitle and § 12–903 of this title, the license holder may sell beer, wine, and liquor at a bar or counter on Sunday.

(e) A holder of a Class D beer, wine, and liquor amusement permit may sell all alcoholic beverages at all hours except between 2 a.m. and 6 a.m. each day.

(f) (1) Except as provided in § 12–2005 of this subtitle, a holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday:

(i) from 9 a.m. to 1 a.m. the following day in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

(ii) from 6 a.m. to 1 a.m. the following day in all other locations in the City.

(2) Except as provided in paragraph (3) of this subsection and § 12–2007(b) of this subtitle, the license holder may not exercise the privileges of the license without an amusement permit from 1 a.m. on Sunday to 6 a.m. the following day.

(3) (i) The Board may issue a supplemental license not more than four times during a calendar year to the license holder authorizing the license holder to sell beer, wine, and liquor from 6 a.m. on Sunday to 1 a.m. the following day.

(ii) The fee for the supplemental license is $120 per issuance and is in addition to the annual fee for the underlying Class D beer, wine, and liquor license.

(iii) A holder of a supplemental license shall notify the Board at least 2 weeks in advance of exercising the privileges under the supplemental license.

§12–2005.

(a) (1) In response to a complaint, the Board may petition the circuit court for a temporary order that, on a license holder's premises, limits the hours and days for the sale and consumption of:

(i) beer;

(ii) beer and light wine; or

(iii) beer, wine, and liquor.

(2) The court may issue the order if the court finds by clear and convincing evidence that:

(i) the activities arising from the sale and consumption of alcoholic beverages on the licensed premises have resulted in an extreme and continuing disturbance to a residential community;

(ii) the license holder has failed to exercise good faith in attempting to remedy the disturbance at the request or order of the Board; and

(iii) the Board has been unable to provide relief to the residential community by exercising its authority to suspend the license or reprimand the license holder.

(3) The duration of the order may not exceed the duration of the license term.

(4) The order shall be stayed pending appeal from the order.

(5) This section does not limit any other powers of the Board.

(b) (1) This subsection applies only in the City on the inner perimeter of a rectangle bounded by 31st Street on the south, Greenmount Avenue on the east, 32nd Street on the north, and Barclay Street on the west.

(2) By regulation, the Board may restrict the hours and days for the sale and consumption of:

(i) beer;

(ii) beer and light wine; or

(iii) beer, wine, and liquor.

(c) (1) This subsection does not apply to:

(i) a Class B beer and light wine license;

(ii) a Class B beer, wine, and liquor license;

(iii) a Class B–D–7 beer, wine, and liquor license;

(iv) a Class C beer and light wine license; and

(v) a Class C beer, wine, and liquor license.

(2) For a license holder in an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue, the hours of sale:

(i) may not begin before 9 a.m. or end after 10 p.m.; and

(ii) may not be extended if they begin later than 9 a.m. or end before 10 p.m.

(3) For a license holder in an area bounded as follows: from the intersection of East North Avenue and Harford Avenue, southwest on Harford Avenue to the intersection of Harford Avenue and North Central Avenue, south on North Central Avenue to the intersection with East Monument Street, east on East Monument Street to the intersection of East Monument Street and North Wolfe Street, south on North Wolfe Street to the intersection of North Wolfe Street and McElderry Street, east on McElderry Street to the intersection of McElderry Street and North Collington Avenue, south on North Collington Avenue to the intersection of North Collington Avenue and East Fayette Street, east on East Fayette Street to the intersection of East Fayette Street and North Lakewood Avenue, north on North Lakewood Avenue to the intersection of North Lakewood Avenue and East Monument Street, west on East Monument Street to the intersection of East Monument Street and North Luzerne Avenue, north on North Luzerne Avenue to the intersection of North Luzerne Avenue and East Federal Street, west on East Federal Street to the intersection of East Federal Street and North Rose Street, north on North Rose Street to the intersection of North Rose Street and East North Avenue, then west on East North Avenue to the intersection of East North Avenue and Harford Avenue, the hours of sale:

(i) may not begin before 9 a.m. or end after 10 p.m.; and

(ii) may not be extended if they begin later than 9 a.m. or end before 10 p.m.

(4) For a license holder in an area bounded as follows: from the intersection of Belair Road and Anntana Avenue, southwest on Belair Road to the intersection of Belair Road and Frankford Avenue, southeast on Frankford Avenue to the intersection of Frankford Avenue and Sipple Avenue, west on Sipple Avenue to the intersection of Sipple Avenue and Crenshaw Avenue, southeast on Crenshaw Avenue to the intersection of Crenshaw Avenue and Goodnow Road, southeast on Goodnow Road to the intersection of Goodnow Road and Sinclair Lane, northeast on Sinclair Lane to the intersection of Sinclair Lane and Radecke Avenue, west on Radecke Avenue to the intersection of Radecke Avenue and Anntana Avenue, then north on Anntana Avenue to the intersection of Anntana Avenue and Belair Road, the hours of sale:

(i) may not begin before 9 a.m. or end after 10 p.m.; and

(ii) may not be extended if they begin later than 9 a.m. or end before 10 p.m.

(d) (1) This subsection does not apply to:

(i) a Class B beer and light wine (restaurant) license;

(ii) a Class B beer, wine, and liquor (restaurant) license issued under § 12–1603(c)(1)(ii) of this title;

(iii) a Class B–BWL (H–M) license;

(iv) a Class C beer and wine license;

(v) a Class C beer, wine, and liquor license;

(vi) an arena license;

(vii) a marketplace license; or

(viii) a Class M–F (municipal family fun center) license.

(2) For a license holder in the 40th alcoholic beverages district, the hours of sale for alcoholic beverages may not begin before 10 a.m. or end after 10 p.m.:

(i) within an area bounded:

1. from the intersection of Reisterstown Road and Quantico Avenue, northwest on Reisterstown Road to the intersection with Wylie Avenue, northeast on Wylie Avenue to the intersection with Pimlico Road, northwest on Pimlico Road to the intersection with Dupont Avenue, east on Dupont Avenue to the intersection with Pall Mall Road, southeast on Pall Mall Road to the intersection with Edgecombe Circle North, east on Edgecombe Circle North to the intersection with Finney Avenue, south on Finney Avenue to the intersection with Oakford Avenue, west on Oakford Avenue to the intersection with Pall Mall Road, southeast on Pall Mall Road to the intersection with Loyola Northway, southwest on Loyola Northway to the intersection with Pimlico Road, southeast on Pimlico Road to the intersection with Quantico Avenue, and southwest on Quantico Avenue to the intersection with Reisterstown Road; and

2. from the intersection of Millington Avenue with Wilkens Avenue, northwest on Millington Avenue to the intersection with Frederick Avenue, northeast on Frederick Avenue to the intersection with West Pratt Street, east on West Pratt Street to the intersection with South Mount Street, south on South Mount Street to the intersection with Eagle Street, southwest on Eagle Street to the intersection with South Smallwood Street, northwest on South Smallwood Street to the intersection with Wilkens Avenue, and southwest on Wilkens Avenue to the intersection with Millington Avenue;

(ii) within the area of West North Avenue between the 1000 block of West North Avenue and the 3200 block of West North Avenue, inclusive;

(iii) for a license holder within 250 yards in any direction of the area described in item (ii) of this paragraph; and

(iv) within an area bounded as follows: from the intersection of North Fulton Avenue with North Avenue, north on North Fulton Avenue to the intersection with Pennsylvania Avenue, northeast on North Fulton Avenue to the intersection with Druid Hill Avenue, southeast on Druid Hill Avenue to the intersection with Mosher Street, southwest on Mosher Street to the intersection with North Carey Street, north on North Carey Street to the intersection with North Avenue, and west on North Avenue to the intersection with North Fulton Avenue.

§12–2006.

A holder of a license that allows sales of alcoholic beverages for on–premises consumption may not be required to close the licensed premises at any time on January 1.

§12–2007.

(a) Except as provided in subsection (b) of this section, a licensed premises shall end all operations, including the serving of alcoholic beverages and food and providing entertainment, at the closing hour for that class of licensed premises specified in this title.

(b) (1) The Board may grant an exemption for remaining open after hours to:

(i) a holder of a Class B restaurant license, only for serving food to patrons seated for dining;

(ii) a pharmacy that fills prescriptions; or

(iii) a holder of a Class D beer, wine, and liquor license that operates a restaurant, if:

1. it is used only for serving food to patrons seated in a dining room that is not adjacent to a bar; and

2. the restaurant is located in the 46th legislative district in the Legislative Districting Plan of 2022.

(2) A pharmacy that receives an exemption under paragraph (1) of this subsection may also sell products other than alcohol after normal closing hours.

(3) A hotel that holds a Class B license and that serves food to seated customers or for private functions or guest rooms may continue to provide food service.

(4) The Board may waive the requirement in paragraph (1)(iii)1 of this subsection that a dining room not be adjacent to a bar.

§12–2008.

(a) This section applies to an owner, an operator, or a manager of any premises open to the public or of a place of public accommodation where:

(1) a form of entertainment is provided from 2 a.m. to 6 a.m. on any day; and

(2) alcoholic beverages are consumed at any hour of the day.

(b) A person specified under subsection (a) of this section shall:

(1) register with the fire department and the Department of Housing and Community Development; and

(2) comply with all federal, State, and City building, fire, health, and zoning laws.

§12–2009.

(a) In this section, "adult entertainment" has the meaning stated in Article 15, § 1–1 of the Baltimore City Code.

(b) This section applies only to:

(1) a holder of a Class A license;

(2) a holder of a Class B–D–7 license; and

(3) a holder of an adult entertainment license issued by the Board under § 12–2102 of this title and Article 15, Subtitle 1 of the Baltimore City Code.

(c) Except as provided in subsection (d) of this section, the holder of a license described in subsection (b) of this section may not operate an establishment

later than 10 p.m. if the establishment is in an area bounded as follows: from the intersection of Holliday Street and East Fayette Street, east on East Fayette Street to the intersection with North Gay Street, south on North Gay Street to the intersection with East Baltimore Street, south on South Gay Street to the intersection with Water Street, west on Water Street to the intersection with Commerce Street, north on Commerce Street to the intersection with East Baltimore Street, then north on Holliday Street back to the intersection of Holliday Street and East Fayette Street.

(d) (1) The holder of a license described in subsection (b) of this section that operates an establishment bounded in the area described in subsection (c) of this section may operate the establishment within the hours of operation authorized by the license if the holder submits to the Board a security plan that is approved by the Board after consultation with the Baltimore Police Department.

(2) The security plan required under paragraph (1) of this subsection shall include:

(i) the hiring of security personnel to be present at the licensed premises during all hours of operation;

(ii) the placement of security personnel inside and immediately outside the licensed premises;

(iii) procedures for securing the establishment and each entryway into the establishment, including the consistent use of metal detectors, and the area immediately around the establishment;

(iv) a plan for communication between security and the Baltimore Police Department;

(v) a plan for not exceeding a capacity limit for the licensed premises determined by the Baltimore City Fire Marshal; and

(vi) the name of and direct contact information for the owner and manager of the licensed premises.

(3) The holder of a license under this subsection shall, for security personnel hired in accordance with paragraph (2)(i) of this subsection:

(i) provide the identifying information, including name, birthdate, home address, and telephone number, of security personnel who are regular or part–time employees, including temporary employees during the preceding quarter, of the licensed premises to the Baltimore Police Department on a quarterly basis; and

(ii) ensure that a security guard who works for a third–party security contractor carries documentation showing their security guard certification with the Maryland State Police while they are working.

(4) (i) The holder of a license under this subsection shall submit an updated security plan to the Board each year with an application for license renewal under § 12–1802 of this title.

(ii) The Board, in consultation with the Baltimore Police Department, shall consider the license holder's compliance with the previous year's security plan before determining whether to approve the license holder's updated security plan.

(e) (1) The holder of a license described in subsection (b) of this section that operates an establishment bounded in the area described in subsection (c) of this section shall maintain and operate a digital surveillance system on the exterior of the licensed premises.

(2) The digital surveillance system under paragraph (1) of this subsection shall:

(i) be equipped with high–definition cameras that provide continuous, 24–hour video monitoring without audio recording capacity placed outside the licensed premises in such a way that the exterior of each entryway into and exit away from the licensed premises is monitored;

(ii) retain video recorded from the surveillance system for not less than 14 days; and

(iii) be registered with and accessible by the Baltimore City Intelligence Center.

(3) The license holder shall, on request, provide a recording created by the digital surveillance system in this subsection to the Baltimore Police Department.

(f) The Board, after consultation with the Baltimore Police Department, may authorize an exemption from the provisions of subsection (d) of this section for an establishment operating under a Class A license.

§12–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the City without exception or variation:

(1) § 4–602 ("Power of local licensing board"); and

(2) § 4–604 ("Grounds for revocation or suspension").

(b) Section 4–605 ("Nudity and sexual displays") of Division I of this article does not apply in the City and is superseded by § 12–2102 of this subtitle.

(c) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the City:

(1) § 4–603 ("Revocation and suspension procedures"), subject to § 12–2105 of this subtitle; and

(2) § 4–606 ("Effects of revocation"), subject to § 12–2104 of this subtitle.

§12–2102.

(a) In this section, "adult entertainment" means:

(1) the employment or use of an individual in the sale or service of alcoholic beverages in or on the licensed premises while the individual is unclothed or in attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;

(2) the employment or use of the services of a hostess or other individual to mingle with the patrons while the hostess or other individual is unclothed or in attire, costume, or clothing described in item (1) of this subsection;

(3) the encouragement of or allowing an individual on the licensed premises to caress or fondle the breasts, buttocks, anus, or genitals of any other individual;

(4) allowing an employee or other individual to wear or use a device or covering exposed to view that simulates any portion of the breast, genitals, anus, or pubic hair;

(5) with respect to entertainment provided:

(i) allowing an individual to perform an act of or act that simulates:

1. sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

2. the caressing or fondling of the breast, buttocks, anus, or genitals; or

3. the display of the pubic hair, anus, vulva, or genitals;

(ii) subject to item (i) of this item, allowing an entertainer whose breasts or buttocks are exposed to perform closer than 6 feet from the nearest patron; or

(iii) allowing an individual to use an artificial device or inanimate object to depict, perform, or simulate an activity prohibited under item (i) of this item; or

(6) show a motion picture, still picture, electronic reproduction, or other visual reproduction depicting:

(i) an act or simulated act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

(ii) an individual being caressed or fondled on the breast, buttocks, anus, or genitals;

(iii) a scene in which an individual displays the vulva, anus, or genitals; or

(iv) a scene in which an artificial device or inanimate object is used to depict, or a drawing is used to portray, a prohibited act described in this subsection.

(b) Except as provided in subsection (c)(2) of this section, this section does not apply to a license holder that:

(1) offered adult entertainment as of May 31, 1993, or the transferee of the license for the same premises if the transferee continues to offer adult entertainment; or

(2) operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances, when the performances presented express matters of serious literary, artistic, scientific, or political value.

(c) The Board may not authorize and a license holder may not allow:

(1) adult entertainment on the licensed premises or on adjacent property over which the license holder has ownership or control; or

(2) an individual under the age of 21 years to enter an establishment of a license holder specified under subsection (b)(1) of this section, unless the individual is:

(i) an employee, an agent, or a contractor of the establishment; or

(ii) an active duty member of the armed forces of the United States.

(d) The Mayor and City Council may authorize the Board to enforce the laws and regulations of the City that govern adult entertainment business licenses.

(e) On finding that a violation of this section has occurred, the Board shall revoke or suspend the license or impose a fine or both.

§12–2103.

(a) The Board shall immediately suspend without a hearing the renewal license of a license holder that fails to present to the Board by October 30 annually a certificate issued by the Director of Finance showing that all personal property taxes due to the City or State are paid.

(b) The Board shall immediately reinstate a license suspended under this section without a hearing on presentation of the required certificate.

§12–2104.

A person whose license has been revoked by the Board may not give, serve, or keep alcoholic beverages or allow alcoholic beverages to be consumed until:

(1) the court grants a stay of the order of revocation in accordance with § 12–2402 of this title; or

(2) the order of revocation is reversed on judicial review.

§12–2105.

(a) When the Board notifies a license holder of a violation alleged against the license and gives notice for the license holder to appear for a hearing, the Board may offer as a compromise, on a form provided by the Board, a monetary penalty if the license holder agrees to:

(1) voluntarily waive the right to a hearing under § 4–603 of this article;

(2) admit to the facts of the violation as alleged;

(3) take the corrective action prescribed in the offer made by the Board; and

(4) accept the monetary penalty offered.

(b) If a license holder does not accept the offer of compromise made by the Board in accordance with subsection (a) of this section, the license holder may accept service of notice of the complaint from the Board and inform the Board of its intent to exercise the right to a hearing under § 4–603 of this article.

(c) If an offer of compromise is accepted by a license holder under subsection (a) of this section, the Board shall:

(1) keep a record of the initial violation alleged against the license holder or the licensed establishment;

(2) issue a written finding that the offer of compromise does not impair the promotion of the peace or safety of the community;

(3) as soon as practicable, state the license holder's acceptance of the offer of compromise on the record at a hearing of the Board; and

(4) post the result of the Board's decision in a place accessible by the public.

(d) The Board shall adopt regulations to implement this section.

§12–2201.

(a) Section 4–702(a) ("On death of license holder") of Division I of this article applies in the City without exception or variation.

(b) The following sections of Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article do not apply in the City:

(1) § 4–702(b) ("After vacation of or eviction from premises");

(2) § 4–703 ("Pending or approved transfers or continuation of business");

(3) § 4–704 ("License for premises acquired for public use"); and

(4) § 4–705 ("Postponement to avoid hardship").

§12–2202.

(a) A license expires 180 days after the license holder has closed the business or stopped active alcoholic beverages business operations at the premises for which the license is held unless:

(1) an application for approval of a transfer to another location or another person under Subtitle 17 of this title has been approved or is pending;

(2) an application for a certificate of permission or a renewal license for continuation of business under Subtitle 23 of this title has been approved or is pending; or

(3) a written request for a hardship extension under subsection (b) of this section is filed within the 180–day period.

(b) (1) The license holder or another appropriate interested party may make a written request to the Board to extend the life of the license due to hardship, including the pendency of a criminal charge filed against a transferor that directly relates to the operation of the licensed premises or a disciplinary matter before the Board concerning the transferor.

(2) The Board may grant the extension if the Board finds after a hearing that existing hardship caused the closing or stopping of business operations.

(3) Except as provided in paragraph (4) of this subsection, an extension may not prolong the life of the license beyond 360 days after the date of closing or stopping of alcoholic beverages business operations at the premises for which the license is held.

(4) The Board may grant an extension under this subsection that prolongs the life of a license beyond 360 days if a transfer of the license is prohibited under § 12–1705.1 of this title.

(c) (1) This subsection does not apply to a license the transfer of which is prohibited under § 12–1705.1 of this title.

(2) The period for which a license may be considered unexpired:

(i) begins at the earlier of the closing of the business or stopping of alcoholic beverages business operations; and

(ii) may be suspended only by filing an application or request under subsection (a) of this section.

(3) The expiration period resumes on the last to occur of the following events:

(i) final action of the Board granting or denying a request for a hardship extension under subsection (b) of this section;

(ii) final action of the Board denying an application described in subsection (a)(1) or (2) of this section;

(iii) final judgment of the reviewing court if judicial review of the Board's action on an application or request authorized by subsection (a) or (b) of this section has been granted; or

(iv) dismissal of a petition for judicial review of the Board's action.

(4) If an application or request described in subsection (a) or (b) of this section is withdrawn:

(i) the period for automatic expiration of the license may not be suspended; and

(ii) the application or request shall be considered as if it had not been filed.

§12–2203.

Except where extenuating circumstances exist, before a licensed premises that has been closed for at least 3 consecutive months may be reopened:

(1) the Board shall hold a public hearing; and

(2) the license holder shall obtain approval from the Board to reopen.

§12–2204.

Unless transferred to another location, a Class B (7–day) beer and wine license issued for a premises located in an area surrounded by Charles Street on the west, East Cross Street on the north, Light Street on the east, and East Cross Street on the south, in ward 23, precinct 1 of the 46th alcoholic beverages district, expires not later than July 1, 2024.

§12–2301.

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the City without exception or variation:

(1) § 4–802 ("Expiration of license on death of license holder");

(2) § 4–804 ("Transfer or reinstatement of license");

(3) § 4–805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4–806 ("Refund").

(b) Section 4–803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the City, subject to § 12–2302 of this subtitle.

§12–2302.

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

(i) the surviving spouse;

(ii) the surviving partners for the benefit of the partnership; or

(iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

(i) for the balance of the license year; and

(ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

(1) the surviving spouse;

(2) the surviving partners of a partnership; or

(3) the senior surviving officer of a corporation for the benefit of the corporation.

§12–2401.

(a) The following sections of Title 4, Subtitle 9 ("Judicial Review") of Division I of this article apply in the City without exception or variation:

(1) § 4–902 ("Judicial review of decision of local licensing board");

(2) § 4–903 ("Petitioners");

(3) § 4–905 ("Scope of judicial review");

(4) § 4–906 ("Representation of local licensing board");

(5) § 4–907 ("Affirmations, modifications, and reversals"); and

(6) § 4–908 ("Appeals to Appellate Court of Maryland and Supreme Court of Maryland").

(b) Section 4–904 ("Stay of local board's petition") applies in the City, subject to § 12–2402 of this subtitle.

§12–2402.

An order by the Board to revoke a license may be stayed, pending judicial review, only by the court with which a petition under Title 4, Subtitle 9 of this article has been filed.

§12–2403.

In addition to the other powers of the circuit court for the City provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

§12–2501.

(a) This subsection applies to an establishment that is not licensed by the Board but that is:

(1) open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) Except as provided in subsection (c) of this section, an establishment that is not licensed by the Board, at a location under control or possession of the establishment, may not:

(1) serve or keep alcoholic beverages; or

(2) allow alcoholic beverages to be consumed.

(c) A restaurant that is not licensed by the Board may allow a customer to consume alcoholic beverages from 6 a.m. to 2 a.m. the following day if:

(1) the alcoholic beverages are brought to the restaurant by the customer;

(2) the alcoholic beverages are consumed with a meal;

(3) there is no charge for admission to the restaurant; and

(4) the Baltimore City Fire Department determines that the maximum seating capacity of the restaurant is 50.

(d) (1) The Baltimore City Police Department may immediately close all operations of an establishment if the Department determines that the establishment is in violation of this section and that the public health, safety, or welfare requires emergency action.

(2) The establishment shall be closed until the Baltimore City Police Department determines that the public health, safety, or welfare has been restored.

(3) The owner or operator of the establishment shall be given an opportunity to request a prompt hearing in circuit court on when the establishment may reopen.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§12–2502.

(a) (1) Except as provided under subsection (b) of this section or otherwise provided by law, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages:

(i) in an establishment open to the public;

(ii) in a place of public accommodation; or

(iii) in a place at which setups or other component parts of mixed alcoholic drinks are sold.

(2) The prohibition against consumption in paragraph (1) of this subsection is in effect if any form of entertainment, live or recorded, is offered at the place or at the establishment, regardless of whether the establishment or place is licensed under this article or other State law.

(b) By regulation, the Board may restrict the hours and days for the consumption of alcoholic beverages on the inner perimeter of a rectangle bounded by 31st Street on the south, Greenmount Avenue on the east, 32nd Street on the north, and Barclay Street on the west.

(c) The owner or manager of the establishment or place may not knowingly allow the consumption of alcoholic beverages that is prohibited by this section.

(d) An individual who consumes alcoholic beverages at an establishment described in this section or an owner or a manager of the establishment who

knowingly allows the consumption prohibited by this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not more than 3 years or a fine of not more than $5,000 or both.

§12–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the City without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–205 ("Peace officers");

(4) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(5) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(6) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(7) § 6–209 ("Adoption of standards for authorization of consumption"); and

(8) § 6–211 ("Fines and forfeitures").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the City and is superseded by § 12–2602 of this subtitle.

(c) Section 6–204 ("Power to summon witnesses") of Division I of this article applies in the City, in addition to § 12–2603 of this subtitle.

§12–2602.

The City may:

(1) adopt an ordinance or a resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

§12–2603.

The City Police Department or an inspector that the Board employs may serve a summons.

§12–2604.

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

(c) (1) The Board may charge fees for the production and service of a summons and hearing notice.

(2) The fees are:

(i) $25, for the production of hearing notices or summonses requested by parties appearing before the Board;

(ii) $5, for each address served if the address is provided to the Board and the service is by mail; and

(iii) $25, for each address served if the service is performed by an employee of the Board.

(3) In addition to any other fine, penalty, or cost, the Board may impose a $100 administrative hearing fee on a license holder:

(i) whom the Board charges with a violation of law concerning the sale of alcoholic beverages; or

(ii) who requests a transfer or expansion of the license or a new license.

§12–2605.

(a) In this section, "Unit" means the Neighborhood Services Unit within the Office of the Sheriff of Baltimore City, as established under § 2–316.1 of the Courts Article.

(b) The Board shall work in partnership with the Unit to enforce this title.

(c) The Board shall enter into a memorandum of understanding with the Unit that specifies:

(1) the respective roles and responsibilities of the parties in connection with the partnership described in subsection (b) of this section; and

(2) in accordance with § 12–209 of this title, the funding source for the Unit.

§12–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the City without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 (“Maximum alcohol content”);

(12) § 6–317 (“Multiple serving purchase required”);

(13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);

(14) § 6–320 (“Disorderly intoxication”);

(15) § 6–321 (“Consumption of alcoholic beverages in public”);

(16) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(17) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(18) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(19) § 6–328 (“Tax evasion”);

(20) § 6–329 (“Destruction of evidence”); and

(21) § 6–330 (“Perjury”).

(b) Section 6–322 (“Possession of open container”) of Division I of this article does not apply in the City.

(c) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the City:

(1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 12–2702 of this subtitle; and

(2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 12–2703 of this subtitle.

§12–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual is not a resident of the State.

(c) The Board may not proceed against a license holder for a violation of § 6–304 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

§12–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The Board may not proceed against a license holder for a violation of § 6–307 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

§12–2704.

(a) (1) A license holder may not use an advertisement that is untrue, deceptive, or misleading in a material respect, including an advertisement on the Internet containing an affirmative representation that the license holder may offer for sale alcoholic beverages that the license holder is not authorized to sell.

(2) The Board shall enforce this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

§12–2705.

A person engaged in the manufacture or sale of alcoholic beverages, an agent or employee of the person, and a license holder may not, directly or indirectly, offer or make a payment or gift to:

(1) a member of the Board;

(2) an employee of the Board; or

(3) anyone on behalf of the member or employee.

§12–2706.

(a) In the 45th Legislative District, a landlord may not rent out to a Class A license holder a premises to be used for the sale of alcoholic beverages if the landlord knows or should have known that the sale of alcoholic beverages on the premises would violate a minimum distance required to be maintained under this article between a licensed premises and a place of worship or school.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

§12–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the City.

§12–2802.

(a) For a violation that is cause for suspension of a license, the Board may:

(1) except as provided in subsections (b) and (c) of this section, for a first offense, impose a fine not exceeding $500 or suspend the license or both; or

(2) except as provided in subsection (c) of this section, for each subsequent offense, impose a fine not exceeding $20,000 or suspend the license or both.

(b) For a first offense of selling alcoholic beverages to an individual under the age of 21 years, the Board may impose a fine not exceeding $1,000 or suspend the license or both.

(c) (1) For the offense of publicizing, selling tickets for, organizing, operating, producing, facilitating, or staging a pub crawl with the knowledge or a reason to know that a pub crawl promoter's permit required under § 12–1101.1 of this title has not been obtained, the Board shall impose a fine of not less than $1,000 and not more than $20,000 or suspend the license or both.

(2) A person who violates § 12–1101.1 of this title may not be granted a promoter's permit for at least 1 year.

(d) For the offense by a holder of an alcoholic beverages license of operating the licensed premises outside the hours of operation specified in this title without first obtaining an exemption under § 12–2007 of this title, the Board shall:

(1) for a first offense, impose a fine of not less than $1,000 or suspend the license or both; and

(2) for a second or subsequent offense, impose a fine of not less than $2,000 and not more than $20,000 or suspend the license or both.

§13–101.

(a) In this title:

(1) 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 Baltimore County.

(c) "County" means Baltimore County.

§13–102.

This title applies only in Baltimore County.

§13–103.

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§13–201.

There is a Board of License Commissioners for Baltimore County.

§13–202.

(a) The County Executive shall appoint three members to the Board.

(b) Each member of the Board shall be a resident and voter of the county.

(c) (1) The term of a member is 2 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(d) The County Executive may remove a member for misconduct in office, incompetence, or willful neglect of duty.

§13–203.

(a) Every 2 years, the County Executive shall appoint two substitute members to the Board.

(b) (1) The chair of the Board shall designate a substitute member to serve:

(i) when a regular member is absent or incapacitated for any reason; or

(ii) if a vacancy is created.

(2) A substitute member shall serve until the regular member's incapacity or absence ends or the vacancy is filled.

(c) While serving on the Board, a substitute member has all the powers and duties of a regular member.

(d) (1) Subject to paragraph (2) of this subsection, a substitute member shall receive a per diem salary set by the Board for each day served.

(2) The salary of a substitute member may not exceed the daily salary of a regular member.

§13–204.

(a) (1) Subject to paragraph (2) of this subsection, the salaries of the regular members of the Board shall be as set forth in the county budget.

(2) (i) The chair of the Board shall receive an annual salary of not less than $11,500.

(ii) Each other regular member of the Board shall receive an annual salary of not less than $10,500.

(b) Subject to § 13–205 of this subtitle, the Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

(c) The County Executive may appoint a chief administrator.

§13–205.

(a) The Board may appoint a Chief Inspector and at least 14 inspectors.

(b) (1) Subject to paragraph (2) of this subsection, the Chief Inspector and each other inspector may examine any identification used as proof of age by an individual to purchase alcoholic beverages.

(2) The examination shall be made on the premises of the licensed establishment where the purchase is attempted.

(c) (1) Subject to paragraph (2) of this subsection, the salaries of the Chief Inspector and each other inspector shall be as set forth in the county budget.

(2) (i) The salary of the Chief Inspector may not be less than $9,500 a year.

(ii) The salary of each other inspector may not be less than $9,000 a year.

§13–206.

From the fees collected under this subtitle, the county shall:

(1) pay all salaries and expenses of the Board, as determined by the county; and

(2) devote the balance of the fees to the general purposes of the county, which may include the metropolitan district and highways.

§13–207.

(a) The Board may adopt regulations to carry out this article, including regulations regarding:

(1) the presence on a licensed premises of an individual who is not a consumer; and

(2) the issuance of a license when the actual use of the license is to be deferred until the completion of construction or alterations on the premises.

(b) The Board shall:

(1) publish notice of an intended action to change or adopt regulations at least 30 days before the effective date of the proposed regulations in a newspaper of general publication in the county; and

(2) give all interested persons a reasonable opportunity to submit data or views orally or in writing before the effective date of the regulations.

§13–301.

There is no liquor control board or department of liquor control in the county.

§13–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–208 ("Class 6 pub–brewery license");

(9) § 2–209 ("Class 7 micro–brewery license");

(10) § 2–210 ("Class 8 farm brewery license");

(11) § 2–211 ("Residency requirement");

(12) § 2–212 ("Additional licenses");

(13) § 2–213 ("Additional fees");

(14) § 2–214 ("Sale or delivery restricted");

(15) § 2–216 ("Interaction between manufacturing entities and retailers");

(16) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(17) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2–215 ("Beer sale on credit to retail dealer prohibited") of Division I of this article does not apply in the county.

§13–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§13–501.

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–301 ("Licenses issued by Comptroller");

(2) § 2–302 ("Class 1 beer, wine, and liquor wholesaler's license");

(3) § 2–303 ("Class 2 wine and liquor wholesaler's license");

(4) § 2–304 ("Class 3 beer and wine wholesaler's license");

(5) § 2–305 ("Class 4 beer wholesaler's license");

(6) § 2–306 ("Class 5 wine wholesaler's license");

(7) § 2–307 ("Class 6 limited wine wholesaler's license");

(8) § 2–308 ("Class 7 limited beer wholesaler's license");

(9) § 2–309 ("Sale and delivery of beer or wine from wholesaler's vehicle");

(10) § 2–310 ("Sale and delivery to retail license holder");

(11) § 2–311 ("Additional wholesaler's licenses");

(12) § 2–312 ("Direct importation of alcoholic beverages");

(13) § 2–313 ("Sale or delivery restricted to holder of license or permit");

(14) § 2–315 ("Interaction between wholesaling entities and retailers");

(15) § 2–316 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

(b) Section 2–314 ("Beer sale on credit to retail dealer prohibited") of Division I of this article does not apply in the county.

§13–502.

Except as provided in § 13–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§13–503.

(a) The holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§13–601.

A Class A beer license may not be issued in the county.

§13–602.

A Class B beer license may not be issued in the county.

§13–603.

A Class C beer license may not be issued in the county.

§13–604.

A Class D beer license may not be issued in the county.

§13–701.

(a) There is a Class A wine license in the county.

(b) (1) The license may be issued to a holder of a Class 3 winery license or Class 4 limited winery license.

(2) A holder of a Class 4 limited winery license that applies for a Class A wine license is exempt from any quota established by the Board concerning the number of licenses in the election district where the winery is located.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery that contains not more than 21% of alcohol by volume.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $100.

§13–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§13–802.

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

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fee is $250.

§13–803.

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

(b) 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) (1) This subsection does not apply to a present license holder having the license before December 31, 1966.

(2) The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverages may not occupy less than 80% of the square footage of the premises.

(d) The annual license fee is $300.

§13–804.

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

(b) The license authorizes the license holder to sell beer and wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is $150.

§13–805.

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

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) (1) This subsection does not apply to a present license holder having the license before December 31, 1966.

(2) The area of the licensed premises normally used for the preparation and consumption of beer and wine may not occupy less than 80% of the square footage of the premises.

(d) The license may not be issued for use by a drugstore.

(e) The annual license fee is $250.

§13–901.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed container that may not be opened or its contents consumed on the licensed premises.

(c) A license may not be issued for any drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is $900.

§13–902.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor for consumption at a hotel or restaurant at the place described in the license, for on– or off–premises consumption.

(2) The area of the licensed premises normally used as a restaurant to prepare and consume food and beverages may occupy not less than 80% of the square footage, unless the license holder has held the license since before December 31, 1966.

(c) The annual license fee is $1,500.

§13–903.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license, for on–premises consumption.

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

§13–904.

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

(b) The Board may:

(1) issue the license only to a holder of a Class B (SB) restaurant – service bar beer, wine, and liquor (on–sale) license; or

(2) restrict off–sale privileges of the license holder.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on– and off–premises consumption.

(2) The area of the licensed premises normally used to prepare and consume food and alcoholic beverages on the premises may occupy not less than 80% of the square foot area, unless the license holder has held the license since before December 31, 1966.

(d) The annual license fee is $1,500.

§13–1001.

(a) There is a Class B–ECF/DS (Education Conference Facility/Dining Service) beer, wine, and liquor license.

(b) The Board may issue the license to an individual who is:

(1) authorized by the University of Maryland, Baltimore County or Towson University to:

(i) act on behalf of the campus under the license; and

(ii) be subject to the penalties, conditions, and restrictions under this title; and

(2) a resident of the State.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption from multiple designated outlets on the campus of the university on behalf of which the license holder is authorized to act only at university–related events catered by the university's campus dining services contractor.

(2) Beer, wine, and liquor purchased at a designated outlet are to be consumed in the confines of that outlet and may not be transported to another outlet.

(d) All profits from the retail sale of beer, wine, and liquor shall be deposited in the auxiliary services account of the University of Maryland, Baltimore County or Towson University, as appropriate.

(e) The Board:

(1) may regulate the manner in which beer, wine, and liquor are dispensed under the license;

(2) before issuing the license, shall designate the exact campus locations for the outlets for the sale of beer, wine, and liquor;

(3) shall maintain a map and description of the designated outlets for verification on the renewal of the license; and

(4) shall require the University of Maryland, Baltimore County or Towson University, as appropriate, to report to the Board at least 5 days before a university–related event at which beer, wine, or liquor is intended to be sold or served.

(f) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 13–2004 of this title.

(g) The annual license fee is $2,000.

§13–1001.1.

(a) (1) There is a Class B–OB–CRD (office building – commercial revitalization district) beer, wine, and liquor license.

(2) The Board may not issue more than one Class B–OB–CRD license in the county.

(b) (1) The Class B–OB–CRD license may be issued only for a restaurant that:

(i) is located in:

1. the Towson Commercial Revitalization District, as defined by the Baltimore County Council; and

2. an office building that is at least 100,000 square feet in size;

(ii) previously had or has a zoning classification of BM–D.T. by the county government; and

(iii) is at least 100 feet from a place of worship.

(2) The Class B–OB–CRD license authorizes the holder to sell:

(i) beer, wine, and liquor for on–premises consumption; and

(ii) wine for off–premises consumption if the wine:

1. is purchased along with prepared food other than prepackaged snacks; and

2. is not displayed in an area accessible to the public.

(c) The number of seats at the bar on the licensed premises may not exceed 25% of the total number of seats on the licensed premises.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 13–2004 of this title.

(e) The annual license fee is equal to the fee for a Class B beer, wine, and liquor license under § 13–902 of this title.

§13–1001.2.

(a) There is:

(1) a racetrack beer and wine license; and

(2) a racetrack beer, wine, and liquor license.

(b) (1) The Board may issue a license to the owner, concessionaire, or catering organization of a licensed racing establishment, whether an individual, an association, or a corporation.

(2) There are no residential or voting qualifications for the licenses.

(c) (1) The racetrack beer and wine license authorizes the license holder to sell beer and wine at one or more locations on the premises of the racing park of the license holder.

(2) The racetrack beer, wine, and liquor license authorizes the license holder to sell beer, wine, and liquor at one or more locations on the premises of the racing park of the license holder.

(d) The license fee is:

(1) for a racetrack beer and wine license, $25 for each day that the racing park is open and operating; and

(2) for a racetrack beer, wine, and liquor license, $50 for each day that the racing park is open and operating.

§13–1002.

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

(b) The Board may issue the license for use in a theater that:

(1) is housed in a building;

(2) has a capacity to hold a minimum of 1,500 permanently installed seats; and

(3) regularly presents live entertainment.

(c) A license holder may sell beer, wine, and liquor at retail for on–premises consumption:

(1) for 2 hours before the entertainment begins;

(2) during the entertainment; and

(3) for 1 hour after the entertainment ends.

(d) The license may not be transferred to another location.

(e) The population requirements of the regulations of the Board do not apply to the license.

(f) The annual license fee is $2,000.

§13–1101.

(a) The following provisions of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 13–1102 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 13–1103 of this subtitle.

§13–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) The Board may charge annual permit fees of not more than:

(1) $50 for an applicant whose license has an off–sale privilege; and

(2) $500 for an applicant whose license does not have an off–sale privilege.

§13–1103.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) (1) Except as provided in paragraph (2) of this subsection, the Board may charge annual permit fees of not more than:

(i) $50 for an applicant whose license has an off–sale privilege; and

(ii) $500 for an applicant whose license does not have an off–sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§13–1201.

(a) There is an off–sale caterer privilege.

(b) (1) The Board may grant the privilege to a holder of a Class B or Class D on–sale beer, wine, and liquor license.

(2) The privilege is not a separate class of license but is incorporated in the holder's Class B or Class D license.

(c) The holder of the privilege shall:

(1) contract with a sponsor of a public or private catered event held off the premises of the holder to provide food and sell beer, wine, and liquor for consumption at the event; and

(2) exercise the privilege only during the hours and on the days authorized for the holder's Class B or Class D license.

(d) The privilege may be renewed.

(e) The annual fee for the privilege is $500 in addition to the annual fee for the license to which the privilege is incorporated.

§13–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(3) § 4–1206 ("License to dispose of stock");

(4) § 4–1207 ("Temporary move of licensed premises");

(5) § 4–1208 ("Hours and days of sale"); and

(6) § 4–1209 ("Wine permit for fund–raising event").

(b) Section 4–1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 13–1311 of this subtitle.

(c) Section 4–1204 ("Class C per diem beer, wine, and liquor license") of Division I of this article applies in the county, subject to § 13–1312 of this subtitle.

§13–1304.

(a) There is a beer festival license.

(b) The Board may issue the license to a holder of a retail license, Class 5 brewery license, Class 7 micro–brewery license, or Class 8 farm brewery license.

(c) The license authorizes the holder to display and sell beer.

(d) A license holder shall display and sell beer:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the beer festival.

(e) The Board shall:

(1) choose 1 weekend each year for the beer festival that does not fall on the dates chosen for the Anne Arundel County Beer and Wine Festival, the Cumberland and Shenandoah Valley Wine Festival in Washington County, or the Maryland Wine Festival in Carroll County;

(2) choose a location that is not already licensed; and

(3) ensure that the primary focus of the beer festival is the promotion of Maryland beer.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is $50.

(h) The Board shall adopt regulations to carry out this section.

§13–1305.

(a) There is a wine festival license.

(b) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 winery license.

(c) The license authorizes the holder to display and sell wine.

(d) A license holder shall display and sell wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the wine festival.

(e) The Board shall:

(1) choose 1 weekend each year for the wine festival that does not fall on the dates chosen for the Anne Arundel County Beer and Wine Festival, the Cumberland and Shenandoah Valley Wine Festival in Washington County, or the Maryland Wine Festival in Carroll County;

(2) choose a location that is not already licensed; and

(3) ensure that the primary focus of the wine festival is the promotion of Maryland wine.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is $60.

(h) The Board shall adopt regulations to carry out this section.

§13–1306.

(a) There is a wine sampling (WS) permit.

(b) The Board may issue the permit to a nonprofit organization.

(c) (1) The permit authorizes on–premises consumption of wine for sampling:

(i) on premises for which a Class B license has been issued with the consent of the holder of the license for the premises; or

(ii) at a location that is not already licensed.

(2) The permit holder may bring wine onto the Class B licensed premises for sampling.

(d) The nonprofit organization shall apply for a permit at least 15 days before the permit is issued.

(e) The Board may issue not more than 12 permits in a license year to a single nonprofit organization.

(f) A permit holder may serve a quantity of not more than 2 ounces of wine from each offering to an individual.

(g) The permit fee is $30 per day.

§13–1307.

(a) There is a Class BWT beer and wine tasting license.

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

(c) The license authorizes the holder to allow on–premises consumption of beer or wine for tasting.

(d) The license may be issued as:

(1) a daily tasting license, that may be issued not more than 12 times to a single license holder in a license year; and

(2) a 26–day, 52–day, or 104–day license, each of which may be used consecutively or nonconsecutively.

(e) (1) An applicant shall apply on a form that the Board provides.

(2) The form shall specify the date on which the tasting is to occur.

(3) The application and payment for the daily tasting license, the 26–day tasting license, the 52–day tasting license, and the 104–day tasting license shall be made at least 7 days before the first day of the proposed tasting event.

(4) The holder of a 26–day tasting license, a 52–day tasting license, and a 104–day tasting license shall notify the Board, on a form that the Board approves, of additional tasting events authorized by the licenses.

(f) A license holder may exercise the privileges under the license only during the hours and days provided for under the license holder's Class A license.

(g) An individual may consume wine or beer covered by a license in a quantity of not more than:

(1) 1 ounce of wine from each offering in a day; and

(2) 3 ounces of beer from each offering in a day.

(h) At the end of the day for which a license is valid, a license holder shall dispose of beer or wine that remains in a container opened for tasting.

(i) In addition to the Class A annual license fee, the license fee is:

(1) $20 for a daily tasting license;

(2) $200 annually for a 26–day tasting license;

(3) $300 annually for a 52–day tasting license; and

(4) $400 annually for a 104–day tasting license.

§13–1308.

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

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

(c) The license authorizes the holder to allow the on–premises consumption of beer, wine, and liquor for tasting.

(d) The license may be issued as:

(1) a daily tasting license that may be issued not more than 12 times to a single license holder in a license year; and

(2) a 26–day, 52–day, or 104–day license, each of which may be used consecutively or nonconsecutively.

(e) (1) An applicant shall apply for the license on a form that the Board provides.

(2) The form shall specify the date or dates on which the tasting is to occur.

(3) The application and payment for the daily tasting license, the 26–day tasting license, the 52–day tasting license, and the 104–day tasting license shall be made at least 7 days before the first day of the proposed tasting event.

(4) The holder of a 26–day tasting license, a 52–day tasting license, and a 104–day tasting license shall notify the Board, on a form that the Board approves, of additional tasting events authorized by the licenses.

(f) A license holder may exercise the privileges under the license only during the hours and days provided for under the license holder's Class A license.

(g) An individual may consume wine, beer, or liquor covered by a license in a quantity of not more than:

(1) 1 ounce of wine from each offering in a day;

(2) 3 ounces of beer from each offering in a day; and

(3) one–half ounce of liquor from each offering in a day.

(h) At the end of each day for which a license is valid, a license holder shall dispose of any alcoholic beverage that remains in a container opened for tasting.

(i) In addition to the Class A annual license fee, the fee for a license is:

(1) $20 for a daily tasting license;

(2) $200 annually for a 26–day tasting license;

(3) $300 annually for a 52–day tasting license; and

(4) $400 annually for a 104–day tasting license.

§13–1311.

(a) The fee for a Class C per diem beer license or a Class C per diem beer and wine license is:

(1) $20 per day for a religious, fraternal, civic, war veterans', charitable, or hospital supporting organization; and

(2) $30 per day for any other license holder.

(b) The fee for a Class C per diem beer, wine, and liquor license is:

(1) $35 per day for a religious, fraternal, civic, war veterans', charitable, or hospital supporting organization; and

(2) $50 per day for any other license holder.

§13–1312.

(a) The holder of a 7–day Class C per diem beer, wine, and liquor license may purchase beer and wine from a wholesaler.

(b) The holder of a 7–day Class C per diem beer, wine, and liquor license may agree with the holder of a wholesaler's license to deliver beer and wine on the days that the per diem license is in effect and accept returns on the same day of delivery.

§13–1313.

(a) The Board may issue a multiple 1–day license to a charitable organization that is tax exempt under § 501(c)(3) or (4) of the United States Internal Revenue Code.

(b) (1) An applicant for the license shall include on the application the dates of the events for which the license is required.

(2) The license may not include more than 12 dates.

(c) The Board shall adopt regulations to carry out this section.

§13–1401.

(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) § 4–104 ("Application on behalf of corporation or club");

(3) § 4–105 ("Application on behalf of limited liability company");

(4) § 4–106 ("Payment of notice expenses");

(5) § 4–108 ("Application form required by Comptroller");

(6) § 4–111 ("Payment of license fees");

(7) § 4–112 ("Disposition of license fees");

(8) § 4–113 ("Refund of license fees"); and

(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 do not apply in the county:

(1) § 4–103 ("Application on behalf of partnership"), which is superseded by § 13–1402 of this subtitle;

(2) § 4–107 ("Criminal history records check"); and

(3) § 4–110 ("Required information on application — Petition of support").

(c) Section 4–109 ("Required information on application — In general") of Division I of this article applies in the county, subject to § 13–1403 of this subtitle.

§13–1402.

(a) (1) Subject to subsection (b) of this section, a license for a partnership shall be applied for by and issued to at least two general partners as individuals.

(2) When an application is filed, at least one of the general partners who applies shall:

(i) reside in the State; and

(ii) be a registered voter in the State.

(b) If a partnership has only one general partner, the Board shall issue the license to that partner as an individual, provided that the partner meets the requirements of subsection (a)(2) of this section.

§13–1403.

(a) An applicant for a license in the county shall include on the application:

(1) (i) a statement whether the applicant is a natural–born citizen or a naturalized citizen; or

(ii) if the applicant is not a natural–born citizen or a naturalized citizen, information or documentation required by the Board to show proof of immigration status; and

(2) a statement that the applicant is a resident of the State at the time the application is filed.

(b) The Board may obtain information from the Social Security Administration and the Department of Homeland Security — Immigration and Customs to verify the citizenship or immigration status of the applicant.

§13–1404.

(a) The Board may accept an application for a license from:

(1) a contract purchaser of a property that becomes the owner of record of the premises to be licensed before the license is issued;

(2) an owner of a premises that is proposed to be licensed; or

(3) a developer of a property with the consent and authority of the owner of the property.

(b) An application filed under this section need not contain a specific street address or description of the premises to be licensed other than a general description of the site on which the premises will be built, including a property map number, parcel number, property tax identification number, or plat number.

§13–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–209 ("Hearing");

(5) § 4–210 ("Approval or denial of license application");

(6) § 4–211 ("License forms; effective date; expiration");

(7) § 4–212 ("License not property"); and

(8) § 4–213 ("Replacement licenses").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to § 13–1502 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 13–1503 of this subtitle and Subtitle 13, Part III of this title;

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to Subtitle 13, Part III and Subtitle 16, Part II of this title;

(4) § 4–208 ("Notice of license application required"), subject to § 13–1504 of this subtitle; and

(5) § 4–214 ("Waiting periods after denial of license applications"), subject to §§ 13–1505 and 13–1506 of this subtitle.

§13–1502.

The Board may not issue a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license to a person that holds an out–of–state alcoholic beverages license.

§13–1503.

(a) Except as provided in subsection (b) of this section and § 13–1606 of this title, a person may not have an interest in more than one license issued by the Board, regardless of whether that interest is held or controlled by direct or indirect ownership, stock ownership, interlocking directors or interlocking stock ownership, or any other direct or indirect manner.

(b) This section does not apply to a license issued for a place operated as a hotel, motel, or motor court that has at least 100 rooms.

§13–1504.

(a) (1) Before the Board may approve an application for a license, the Board shall publish notice of the application two times in 2 successive weeks in one newspaper of general circulation in Baltimore County.

(2) The Board may fulfill the notice requirement under paragraph (1) of this subsection by posting online notice of an application hearing at least 14 days before the application hearing date.

(3) In addition to the newspaper notice required under § 4–208 of this article and paragraph (1) of this subsection, or the online notice authorized under paragraph (2) of this subsection, the Board shall post a suitable notice in a conspicuous place at the location described in the application for at least 10 days before holding a hearing on the application.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

§13–1505.

The waiting periods specified in § 4–214(a) of this article apply even if the grounds for the denials were that the license was not necessary to accommodate the public.

§13–1506.

(a) If a license application is denied, another license application for the same location may not be made for 1 year after the denial.

(b) If a license application for a location is denied twice, a license may not be issued for the same location for 2 years after the second denial.

§13–1601.

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment that is within 300 feet of a place of worship or school.

(2) The distance from the establishment to the place of worship or school is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) the renewal or transfer of a license of an establishment if, after issuance of the license, a place of worship or school was built within 300 feet of the establishment;

(2) the issuance of a temporary license;

(3) a transfer that moves the licensed premises within the same building;

(4) a transfer of ownership of the licensed premises;

(5) the renewal of a Class B beer, wine, and liquor (on–sale) license or a 7–day Class BDR (deluxe restaurant) (on–sale) beer, wine, and liquor license, if

the licensed premises has a seating capacity of more than 50 individuals and is within a town center;

(6) the transfer, conversion, and issuance of a license under § 13–1710 of this title; or

(7) the issuance of a license under § 13–1001.1 of this title for an establishment within 300 feet of a place of worship, if the place of worship consents in writing to the issuance of the license.

§13–1604.

(a) In this section, "eligible transferor district" means an election district in which the total number of Class B and Class D licenses, excluding exception licenses, is 10% or greater than the total number of Class B and Class D licenses that are allowed in an election district based on the rule of the Board that limits the total number of licenses available in an election district by population.

(b) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may approve the transfer of a Class B or Class D license in existence in an eligible transferor district on June 1, 2025, to another election district if:

(i) the approval occurs anytime from June 1, 2025, to May 31, 2028, both inclusive; and

(ii) prior to the transfer, the number of licenses in existence in the election district to which the license is to be transferred is not greater than 25% more than the number of licenses that would otherwise exist in that election district, based on the rule of the Board that limits the total number of licenses available in an election district by population.

(2) (i) The Board may not authorize the transfer of more than five Class B or Class D licenses in existence on June 1, 2025, in total under this section.

(ii) Not more than two licenses may be transferred under this subsection into any single election district.

(3) (i) When the Board receives an application to transfer a license under this section, the Board shall notify the county Department of Economic and Workforce Development.

(ii) 1. This subparagraph applies when the license holder owns the property from which the license is to be transferred.

2. The application to transfer a license shall include information on the status of the real property associated with the license to be transferred and any plans for disposition and future use of the property after the transfer of the license.

3. Except as provided in subparagraph (iv) of this paragraph, the Board shall deny a transfer under this section if it determines, based on an assessment provided by the county Department of Economic and Workforce Development, that:

A. the applicant has not demonstrated that there is an appropriate future use of the property from which the license is to be transferred after the transfer; or

B. the transfer will result in significant negative economic impact to the community that surrounds the property from which the license is to be transferred.

(iii) 1. This subparagraph applies when the license holder has no ownership in the property from which the license is to be transferred.

2. The county Department of Economic and Workforce Development may submit a letter to the Board regarding the economic impact the transfer of the license will have on the community that surrounds the property from which the license is to be transferred.

3. The Board may deny a transfer under this section based on the letter received in accordance with subsubparagraph 2 of this subparagraph, unless the Board finds that the applicant has undertaken a good faith effort to facilitate a future use of the property by advising the property owner of the intention to transfer the license to another location.

4. The applicant may submit information to the Board in support of the transfer of the license.

(iv) The Board may waive the requirement under subparagraph (ii)3 of this paragraph if, with the concurrence of the county Department of Economic and Workforce Development, the Board finds that the license holder has undertaken good faith efforts to facilitate a future use of the property and mitigate any negative economic impacts to the surrounding community.

(c) (1) A Class B Service Bar (SB) beer and wine license may be issued only in compliance with this subsection.

(2) A Class B Service Bar (SB) license allows:

(i) sales of beer and wine for on–premises consumption; and

(ii) alcoholic beverages to be served to patrons only as part of a meal.

(3) A Class B Service Bar (SB) license may be used only in the operation of a restaurant, as defined by the Board and this article, that:

(i) has table service; and

(ii) maintains average daily receipts from the sale of food of at least 60% of the total daily receipts of the establishment.

(4) A Class B Service Bar (SB) license does not allow service to a customer who is standing or accepting delivery of purchased food or beverage items other than while seated at a table.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, the proposed restaurant for which a Class B Service Bar (SB) license is sought shall comply with the zoning ordinances of the county, including allowing seating for not fewer than 30 customers and not more than 100 customers.

(ii) The license may not be used in conjunction with the viewing of televised sporting events or the use of live bands, disc jockeys, karaoke, or any other form of live entertainment.

(6) A Class B or D license transferred under subsection (b) of this section or a Class B Service Bar (SB) license issued under this subsection may not thereafter be transferred from the licensed premises or converted to another class of license.

(d) The annual fee for a Class B Service Bar (SB) beer and wine license is $5,000.

(e) (1) When a license is transferred from an eligible transferor district to another election district under this section, the license does not continue to exist in the eligible transferor district from which it was transferred.

(2) Subject to the 25% allowance authorized in subsection (b)(1)(ii) of this section, the Board shall consider a license transferred under this section to be a regular license and not an exception license for determining the total number of licenses available in an election district based on the rule of the Board.

(f) (1) The Board:

(i) shall convert a Class D license that is transferred from an eligible transferor district to any other election district to a Class B license; and

(ii) may not thereafter transfer the Class B license from the licensed premises or convert the license to another class of license.

(2) The Board may not transfer from a licensed premises or convert a license to another class of license:

(i) a new license issued by the Board based on an increase in population under the rule of the Board limiting the total number of licenses available by population; or

(ii) a license that has been revoked and reissued by the Board.

§13–1606.

(a) The Board may allow a person to obtain a direct or indirect interest in:

(1) in addition to one or more licenses issued in another jurisdiction or state, not more than 12 Class B (on–sale — hotels and restaurants) beer, wine, and liquor licenses; or

(2) if one of the restaurants for which a license is issued is located in the Liberty Road Commercial Revitalization District as defined by the County Council on October 18, 1999, not more than 13 Class B (on–sale — hotels and restaurants) beer, wine, and liquor licenses.

(b) A restaurant described in subsection (a) of this section shall:

(1) meet the requirements of the regulations of the Board regarding the availability and issuance of licenses;

(2) meet the definition requirements of "restaurant" established under the regulations of the Board;

(3) have not more than 49% of sales in alcoholic beverages in connection with the business; and

(4) for a second or subsequent license, have a minimum capital investment of $250,000 for restaurant facilities.

(c) An indirect interest is presumed to exist between two persons, if the persons:

(1) have a common parent company;

(2) are parties to a franchise agreement, licensing agreement, or concession agreement;

(3) are part of a chain of businesses that is commonly owned and operated;

(4) share a director, stockholder, partner, or member;

(5) share a director, stockholder, partner, or member of a parent or subsidiary;

(6) share, directly or indirectly, profit from the sale of alcoholic beverages; or

(7) share a trade name, trademark, logo or theme, or mode of operation identifiable by the public.

(d) A second or subsequent license described in subsection (a) of this section does not confer an off–sale privilege.

§13–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house");

(2) § 4–304 ("Compliance with Bulk Transfers Act required");

(3) § 4–305 ("Filing fee and endorsement"); and

(4) § 4–306 ("Substitution of names of officers on license").

(b) Section 4–302 ("Transfer of place of business; transfer of license and inventory") of Division I of this article applies in the county, subject to §§ 13–1702, 13–1703, 13–1704, 13–1705, 13–1706, and 13–1707 of this subtitle.

§13–1702.

(a) If the Board approves an application from a contract purchaser, an owner of the location, or a developer under § 13–1404 of this title, the applicant may apply to transfer the license to an operator of the type of business for which the license was approved if:

(1) the license is for a location in the site for which the license was approved; and

(2) the application for transfer occurs within 5 years after the original application for the site is approved or construction at the location is completed, whichever is later.

(b) Unless otherwise prohibited by law, the Board may approve a change of location of a license issued under § 13–1404 of this title if:

(1) the license holder has engaged in an active alcoholic beverages business under the license for at least 1 year before applying for the change;

(2) (i) the license holder has not engaged in an active alcoholic beverages business under the license; and

(ii) the Board approved a change of location of the license from another location within the same election district at least 5 years before the application for the change of location under this item; or

(3) the license was originally issued within the same election district and has been at the same location for at least 10 years.

§13–1703.

(a) This section does not apply to a license issued as an exception to the population and numerical limitations specified in "Rule 19 – Population and Numerical Limitations" of the Rules and Regulations of the Board.

(b) Subject to subsection (c) of this section, the Board, after a hearing, may approve a transfer of a Class B beer, wine, and liquor (on–sale) hotel and restaurant license to a Class D beer, wine, and liquor (on–sale) license if, before the annual renewal of the license:

(1) the license holder is cited by the Board for violating the license restriction concerning the percent of food sold versus the percent of alcoholic beverages sold; or

(2) because of hardship or economic conditions, the license holder:

(i) knows that the food–alcoholic beverages restriction under item (1) of this paragraph is being violated on the licensed premises; and

(ii) notifies the Board in writing of this violation and the reasons for requesting the transfer.

(c) A license may not be transferred unless, after a hearing, the Board finds that the transfer is in the best interest, health, safety, and welfare of the neighborhood in which the license transfer is to be granted.

§13–1704.

The Board may not allow the transfer of a license unless the Board is presented with a receipt or certificate from the Director of Finance showing that all personal property taxes due the county or the State are paid.

§13–1705.

(a) (1) Notwithstanding the license population quota limitations established by the Board and in addition to the licenses authorized for issuance in the county, the Board may authorize the transfer into the Towson Commercial Revitalization District, as defined by the Baltimore County Council, of not more than 10 beer, wine, and liquor (on–sale) licenses that:

(i) were issued on or before December 31, 2008;

(ii) were in existence in Election District 15 of the county on June 1, 2009; and

(iii) are valid on the date of transfer.

(2) To be transferred under this section, a license:

(i) shall be a Class B or a Class D license; and

(ii) may not be a license that is prohibited from being transferred by statute or regulation.

(3) For determining the total number of licenses available in an election district, the Board shall consider a license transferred under this section to be a regular license and not an exception to the population and numerical limitations

specified in "Rule 19 – Population and Numerical Limitations" of the Rules and Regulations of the Board.

(4) On the date of transfer, a license transferred under this section shall be converted into a Class B beer, wine, and liquor (Towson Commercial Revitalization District) license and may not be counted toward any population limit existing in the election district from where it was transferred.

(b) Except as provided in subsection (c) of this section, the license issuance requirements, license fee, minimum square foot area requirement for food and beverage preparation and consumption, and days and hours of sale for a Class B beer, wine, and liquor (Towson Commercial Revitalization District) (on–sale) license are the same as those for a Class B beer, wine, and liquor (on–sale) hotel and restaurant license.

(c) (1) A Class B beer, wine, and liquor (Towson Commercial Revitalization District) license may be issued only for a location within the Towson Commercial Revitalization District, as defined by the Baltimore County Council.

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and in the regulations of the Board.

(3) The restaurant operation shall maintain average daily receipts from the sale of food of at least 60% of the total daily receipts of the restaurant.

(4) The seating capacity for the bar area may not exceed 25% of the total seating capacity of the restaurant.

(5) Except as provided in subsection (d)(2)(ii) of this section, the area dedicated to the restaurant operation shall have a minimum seating capacity of 100 individuals.

(6) The hours during which the privileges conferred by the license may be exercised may not exceed the hours during which food is offered for sale.

(7) The license does not confer an off–sale privilege.

(d) Of the restaurants for which a Class B or Class D license may be transferred and a Class B beer, wine, and liquor (Towson Commercial Revitalization District) license may be issued under subsection (a)(1) of this section, the Board may require that:

(1) for not more than seven restaurants, applicants for license transfer and issuance demonstrate a minimum capital investment, excluding the costs of the land and building shell, of $500,000; and

(2) for not more than three restaurants:

(i) applicants for license transfer and issuance demonstrate a capital investment, excluding the costs of the land and building shell, of not less than $50,000 or more than $400,000; and

(ii) the area dedicated to the restaurant operation have:

1. a maximum seating capacity of 100 individuals, with the seating capacity in the bar area not exceeding 25% of the total seating capacity of the restaurant; and

2. a minimum seating capacity of 40 individuals.

(e) The Board shall deny an application for transfer of a Class B or Class D license and issuance of a Class B beer, wine, and liquor (Towson Commercial Revitalization District) license if within 2 years immediately preceding the application:

(1) (i) the applicant was a holder of an on–sale license within the boundaries of the Towson Commercial Revitalization District; or

(ii) there was an on–sale license in existence for the proposed premises of the applicant; and

(2) the previous on–sale license was transferred to premises outside the Towson Commercial Revitalization District.

(f) A Class B beer, wine, and liquor (Towson Commercial Revitalization District) license issued under this section may not be transferred from the Towson Commercial Revitalization District or be converted into any other class of license.

§13–1706.

(a) (1) Notwithstanding the license population quota limitations established by the Board and in addition to the licenses authorized for issuance in the county, the Board may authorize the transfer into the "Hunt Valley Commercial/Mixed Use Focal Point" as designated in the Hunt Valley/Timonium Master Plan, adopted by the Baltimore County Council on October 19, 1998, of two beer, wine, and liquor (on–sale) retail licenses that:

(i) were in existence in Election District 15 on July 1, 2004; and

(ii) are valid on the date of transfer.

(2) A license transferred under this section:

(i) may not be a Class A or C license or a license that is prohibited from being transferred by law or local regulation other than crossing district lines;

(ii) shall be converted into a Class B (HV) license; and

(iii) as of the date of transfer, may not be counted toward any population limit existing in Election District 15.

(3) For determining the total number of licenses available in an election district, the Board shall consider a license transferred under this section to be a regular license and not an exception to the population and numerical limitations specified in "Rule 19 – Population and Numerical Limitations" of the Rules and Regulations of the Board.

(b) Except as provided in subsection (c) of this section, the license issuance requirements, license fee, minimum square foot area requirement for food and beverage preparation and consumption, and days and hours of sale for a Class B (HV) restaurant (on–sale) beer, wine, and liquor license are the same as those provided for in this article and in the regulations of the Board for a Class B beer, wine, and liquor (on–sale) hotel and restaurant license.

(c) (1) A Class B (HV) restaurant (on–sale) beer, wine, and liquor retail license may be issued only for a location within the "Hunt Valley Commercial/Mixed Use Focal Point" as designated in the Hunt Valley/Timonium Master Plan, adopted by the Baltimore County Council on October 19, 1998.

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and the regulations of the Board.

(3) The restaurant operation shall maintain average daily receipts from the sale of food of at least 60% of the total daily receipts of the establishment.

(4) The total seating capacity for the area dedicated primarily for the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment.

(5) Subject to subsection (d)(5) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.

(d) (1) The Class B (HV) restaurant beer, wine, and liquor license authorizes on–premises consumption.

(2) Once issued, the license may not be:

(i) transferred to a new location other than the original location for which the license was issued; or

(ii) converted into any other class of license.

(3) Paragraph (2) of this subsection does not prohibit the transfer of ownership of the license.

(4) The premises shall comply with all applicable zoning regulations.

(5) Alcoholic beverages may be sold in the establishment only until 1:30 a.m.

(e) The Board may not issue more than a total of three beer, wine, and liquor licenses in the "Hunt Valley Commercial/Mixed Use Focal Point" under the exceptions in "Rule 19 – Population and Numerical Limitations" of the Rules and Regulations of the Board.

§13–1707.

(a) (1) Notwithstanding the license population quota limitations established by the Board and in addition to the licenses authorized for issuance in the county, the Board may authorize the transfer of the number of Class B and Class D beer, wine, and liquor (on–sale) retail licenses in existence in Election District 15 on January 15, 2005, and valid on the date of transfer, in accordance with the following schedule:

(i) two to the Quarry at Greenspring, to be known as (QG) licenses, on or after April 1, 2005, located at lots 1 through 9, inclusive, identified on the plat of Greenspring Quarry, areas F, G, and K, dated December 21, 2004, and delivered to the county for recording on December 29, 2004;

(ii) three to the area of State–owned land adjacent to and abutting the Owings Mills Metro Station, governed by a master development

agreement creating the Metro Center at Owings Mills, to be known as (MCOM) licenses, on or after October 1, 2005; and

(iii) three to the Promenade at Catonsville, to be known as (PC) licenses, on or after April 1, 2006, located at and identified by the State Department of Assessments and Taxation map 101, parcels 132, 516, 1088, 1344, 1804, and 1985.

(2) A license transferred from Election District 15 under this section:

(i) may not be a Class A or Class C license or a license that is prohibited from being transferred by law or local regulation other than the prohibition against crossing district lines;

(ii) for determining the total number of licenses available in an election district, shall be considered to be a regular license in its new location and not an exception to the population and numerical limitations specified in "Rule 19 – Population and Numerical Limitations" of the Rules and Regulations of the Board;

(iii) shall be converted into a Class B (QG), (MCOM), or (PC) license; and

(iv) as of the date of transfer, may not be counted toward any population limit existing in Election District 15.

(b) Except as provided in subsection (c) of this section, the license issuance and renewal requirements, minimum square foot area requirement for food and beverage preparation and consumption, and days and hours of sale for a Class B (QG), (MCOM), or (PC) restaurant (on–sale) beer, wine, and liquor retail license are the same as those provided for in this article and in the regulations of the Board for a Class B beer, wine, and liquor (on–sale) hotel and restaurant license.

(c) (1) A Class B (QG), (MCOM), or (PC) restaurant (on–sale) beer, wine, and liquor retail license may be issued only for a location within the geographic areas identified in subsection (a)(1) of this section.

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and the regulations of the Board.

(3) The restaurant operation shall maintain average daily receipts from the sale of food of at least 60% of the total daily receipts of the establishment.

(4) The total seating capacity for the area dedicated primarily for the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment.

(5) Subject to subsection (d)(5) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.

(d) (1) A Class B (QG), (MCOM), or (PC) restaurant (on–sale) beer, wine, and liquor retail license authorizes on–premises consumption.

(2) Once issued, the license may not be:

(i) transferred to a new location outside the geographic area, as defined in subsection (a)(1) of this section, for which the license was issued; or

(ii) converted into any other class of license.

(3) Paragraph (2) of this subsection does not prohibit the transfer of:

(i) the ownership of a license; or

(ii) the location of a licensed establishment within the geographic area as defined in subsection (a)(1) of this section.

(4) The premises shall comply with all applicable zoning regulations.

(5) Alcoholic beverages may be sold in the establishment only until 1:30 a.m.

§13–1708.

(a) (1) Notwithstanding any license population quota limitation, the Board may issue not more than 10 Class B (SB) restaurant–service bar beer, wine, and liquor licenses for on–premises consumption in the "Pikesville Revitalization Area" or "Pikesville Town Center" for conversion purposes only, as provided under paragraph (2) of this subsection.

(2) (i) Except for Class C licenses, not more than 10 beer, wine, and liquor (on–sale) retail licenses of any class that were in existence in the county on January 1, 1988, may be transferred into the "Pikesville Revitalization Area" or the "Pikesville Town Center" and converted into Class B (SB) licenses.

(ii) Once transferred, a license may not be considered a license in the district from which it was transferred.

(b) (1) A license:

(i) may be issued only for a location in the "Pikesville Revitalization Area", or the "Pikesville Town Center", as those terms are defined by the County Office of Planning and Zoning on or before July 1, 1988; and

(ii) may not be issued for a location that has been licensed under any class of on–sale license within 2 years before the application for the Class B (SB) license is filed.

(2) The license shall be:

(i) used with the operation of a "restaurant" as defined by the rules of the Board; and

(ii) restricted to restaurants that have table service, specifically excluding any type of service while the customer stands or accepts delivery of purchased food items other than while seated at a table.

(3) The proposed location for the license shall otherwise comply with the zoning ordinances of the county.

(4) The license may not be:

(i) transferred outside of the "Pikesville Revitalization Area" or "Pikesville Town Center"; or

(ii) converted to any other class of license.

(5) The issuance qualifications, fee, and hours and days of sale for the license are the same as those for a Class B beer, wine, and liquor (on–sale) hotel and restaurant license.

§13–1709.

(a) (1) Notwithstanding any license quota limitation established by the Board and in addition to the licenses authorized for issuance in the county, the Board may authorize the transfer of one Class B or Class D beer, wine, and liquor license in existence in Election District 15 on January 15, 2016, and valid on the date of transfer, to a location that is:

(i) at 2200 York Road and surrounding grounds in Election District 8; and

(ii) owned by the Maryland State Fair and Agricultural Society, Inc.

(2) A license transferred under this section:

(i) may not be a license that is prohibited from being transferred by law or Board regulation, other than a prohibition against crossing district lines;

(ii) for determining the total number of licenses available in Election District 8, shall be considered to be a regular license and not an exception to the population and numerical limitations specified in "Rule 19 – Population and Numerical Limitations" of the Rules and Regulations of the Board;

(iii) shall be converted into a Class B (MSF)(on–sale) beer, wine, and liquor license; and

(iv) as of the date of transfer, may not be counted toward any population limit existing in Election District 15.

(b) The issuance and renewal requirements, minimum square foot area requirement for food and beverage preparation and consumption, and hours and days of sale for the Class B (MSF) license are the same as those provided for a Class B beer, wine, and liquor (on–sale) hotel and restaurant license.

(c) (1) The Class B (MSF) license may not be:

(i) transferred to a location outside the area for which the license was issued; or

(ii) converted into another class of license.

(2) The location for the Class B (MSF) license shall comply with all applicable zoning regulations.

§13–1710.

(a) (1) In addition to the licenses authorized for issuance in the county, the Board may authorize the transfer to an establishment specified in subsection (c) of this section of a Class B beer, wine, and liquor license or a Class D beer, wine, and liquor license that:

(i) was issued on or before December 31, 2016;

(ii) was in existence in the same election district of the county as the proposed licensed premises on December 31, 2016; and

(iii) is valid on the date of transfer.

(2) To be transferred under this section, a license may not be a license that is prohibited from being transferred by statute or regulation.

(3) On the date of transfer, a license shall be converted into a Class B beer, wine, and liquor (on–sale) service bar commercial revitalization district license (B–SB–CRD license).

(b) The qualifications for a license holder, the fee, and the hours and days of sale for a service bar license are the same as those for a Class B beer, wine, and liquor (on–sale) hotel and restaurant license.

(c) (1) A B–SB–CRD license may be issued only for a premises that is:

(i) in a free–standing building with its own parking lot;

(ii) zoned BL–CCC and in compliance with any applicable zoning ordinance; and

(iii) at least 100 feet from a place of worship.

(2) A B–SB–CRD license shall be used in conjunction with the operation of a restaurant, as defined in this article and in the regulations of the Board.

(3) The hours during which the privileges conferred by the license may be exercised may not exceed the hours during which food is offered for sale.

(4) The B–SB–CRD license shall be used to allow the sale and service of alcoholic beverages to patrons only as part of a meal at a dining table.

(5) The licensed premises may not have a separate bar area for service of alcoholic beverages.

(6) The B–SB–CRD license holder may not sell beer, wine, and liquor for off–premises consumption.

(d) A B–SB–CRD bar license issued under this section may not be converted into any other class of license.

§13–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–405 ("Contents of renewal application");

(4) § 4–406 ("Protests");

(5) § 4–407 ("Denial of renewal application");

(6) § 4–408 ("Issuance of renewed licenses");

(7) § 4–409 ("Multiple licenses"); and

(8) § 4–410 ("Chain store, supermarket, or discount house").

(b) Section 4–404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 13–1802 of this subtitle.

§13–1802.

(a) To renew a license, a license holder annually shall file an application with the Board between February 1 and March 31, inclusive.

(b) The Board may:

(1) accept a late renewal application during April; and

(2) charge the license holder an amount not exceeding $50 for each day the application is late, up to a maximum amount of $500.

§13–1803.

The Board may not renew a license until the applicant presents to the Board a receipt or certificate issued by the Office of Budget and Finance showing that there are no unpaid taxes on the inventory and personal property of the applicant due to the county or State.

§13–1804.

Notwithstanding § 13–1502 of this title, the Board may renew a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license originally issued to a holder of an out–of–state alcoholic beverages license.

§13–1805.

Notwithstanding § 13–1503 of this title, a person that has an interest in more than one Class A license may renew the licenses.

§13–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–505 ("Alcohol awareness program");

(4) § 4–506 ("Evidence of purchaser's age");

(5) § 4–507 ("Retail delivery of alcoholic beverages"); and

(6) § 4–508 ("Display of license").

(b) Section 4–504 ("Employment of underage individuals") of Division I of this article applies in the county, in addition to § 13–1902 of this subtitle.

§13–1902.

A member of a license holder's immediate family who is under the age of 18 years may not be employed by the license holder to sell, deliver, or otherwise deal with alcoholic beverages.

§13–1903.

At least one entrance to the premises of a holder of a Class D beer, wine, and liquor license shall be unlocked when alcoholic beverages are sold or consumed.

§13–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§13–2003.

(a) (1) A holder of a Class A beer and wine license may sell beer and wine on Monday through Saturday from 6 a.m. to midnight.

(2) From 7 a.m. to 9 p.m., the license holder may sell beer and wine on the Sunday immediately before:

(i) Christmas Day;

(ii) New Year's Day;

(iii) Rosh Hashanah; and

(iv) Yom Kippur.

(3) The license holder may sell beer and wine on the two Sundays immediately before Passover if:

(i) the license holder does not sell beer and wine on the two Saturdays immediately before Passover;

(ii) the sales are conducted on those Sundays from 6 a.m. to midnight; and

(iii) the sales are limited to beer and wine that are "kosher for Passover".

(b) (1) A holder of a Class B beer and wine license may sell beer and wine on each day of the week from 6 a.m. to 2 a.m. the following day.

(2) The license holder may sell beer and wine at a bar or counter on Sunday.

(3) From 7 a.m. to 9 p.m., the holder of a Class B on–sale and off–sale beer and wine license may sell beer and wine for off–premises consumption on the Sunday immediately before:

(i) Christmas Day;

(ii) New Year's Day;

(iii) Rosh Hashanah; and

(iv) Yom Kippur.

(c) (1) A holder of a Class C beer and wine license may sell beer and wine on each day of the week from 6 a.m. to 2 a.m. the following day.

(2) The license holder may sell beer and wine at a bar or counter on Sunday.

(d) (1) A holder of a Class D beer and wine license may sell beer and wine on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) From 7 a.m. to 9 p.m., a holder of a Class D on–sale and off–sale beer and wine license may sell beer and wine for off–premises consumption on the Sunday immediately before:

(i) Christmas Day;

(ii) New Year's Day;

(iii) Rosh Hashanah; and

(iv) Yom Kippur.

§13–2004.

(a) (1) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to midnight.

(2) From 7 a.m. to 9 p.m., the license holder may sell beer, wine, and liquor on the Sunday immediately before:

(i) Christmas Day;

(ii) New Year's Day;

(iii) Rosh Hashanah; and

(iv) Yom Kippur.

(3) A license holder may sell beer, wine, and liquor on the two Sundays immediately before Passover if:

(i) the license holder does not sell beer, wine, and liquor on the two Saturdays immediately before Passover;

(ii) the off–premises sales are conducted on those Sundays from 6 a.m. to midnight; and

(iii) the sales are limited to beer, wine, and liquor that are "kosher for Passover".

(b) (1) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(2) The license holder may sell beer, wine, and liquor at a bar or counter on Sunday.

(3) From 7 a.m. to 9 p.m., the holder of a Class B beer, wine, and liquor (on– and off–sale) license may sell beer, wine, and liquor for off–premises consumption on the Sunday immediately before:

(i) Christmas Day;

(ii) New Year's Day;

(iii) Rosh Hashanah; and

(iv) Yom Kippur.

(c) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on each day of the week from 6 a.m. to 2 a.m. the following day.

(2) The license holder may sell beer, wine, and liquor at a bar or counter on Sunday.

(d) (1) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(2) From 7 a.m. to 9 p.m., a holder of a Class D on–sale and off–sale beer, wine, and liquor license may sell beer, wine, and liquor for off–premises consumption on the Sunday immediately before:

(i) Christmas Day;

(ii) New Year's Day;

(iii) Rosh Hashanah; and

(iv) Yom Kippur.

§13–2005.

A license holder may not be required to close the licensed premises at any time on January 1.

§13–2006.

Section 13–2503 of this title, which prohibits a person from consuming alcoholic beverages on certain premises and places, does not apply to activities that are conducted on January 1 by license holders who are allowed to sell alcoholic beverages for on–premises consumption.

§13–2007.

(a) Alcoholic beverages may not be brought onto a premises and consumed or transferred if:

(1) the premises is a place of public entertainment; and

(2) the entertainment is of the type listed under § 4–605(b) through (d) of this article.

(b) (1) A person who operates a place of public entertainment who knowingly allows a violation of this section on the premises is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $5,000 for each violation.

(2) Each day of operation in violation of this section is a separate violation.

§13–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–604 ("Grounds for revocation or suspension"); and

(3) § 4–606 ("Effects of revocation").

(b) Section 4–605 ("Nudity and sexual displays") of Division I of this article does not apply in the county and is superseded by § 13–2103 of this subtitle.

(c) Section 4–603 ("Revocation and suspension procedures") of Division I of this article applies in the county, subject to § 13–2102 of this subtitle.

§13–2102.

(a) In addition to procedures under § 4–603 of this article, the Board shall notify the license holder of the complaint by:

(1) personal service on the license holder or any adult employee of the license holder; or

(2) any other method of service of notice that conforms with Maryland Rules 2–121 and 2–122.

(b) If notice is given to an adult employee of the license holder under subsection (a) of this section, the Board shall mail a copy of the notice or a letter describing the contents of the notice to the home or business address of the license holder within 72 hours after the notice is given to the adult employee.

§13–2103.

(a) In this section, "adult entertainment":

(1) means performances at licensed premises that are commonly called "go–go dancing", "male revues", "female revues", or "exotic dancing"; and

(2) includes performances by individuals who perform in any manner while in a state of dress in which clothing covers no more than the genitals, pubic

region, and areola of the female breast, as well as portions of the body covered by supporting straps and devices.

(b) This section does not apply to:

(1) a license holder that offered adult entertainment on licensed premises for at least 5 calendar days between March 8, 1996, and April 8, 1996;

(2) a transferee of a license from a license holder described in item (1) of this subsection as long as the transferee continues to offer adult entertainment on the same licensed premises; or

(3) a license holder that operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances, when the performances express matters of serious literary, artistic, scientific, or political value.

(c) A license holder may not allow adult entertainment on licensed premises or on property adjacent to the licensed premises over which the license holder has ownership or control.

(d) If the Board finds that a violation of this section has occurred, the Board shall revoke or suspend the license for the premises where the violation occurred or impose a fine on the license holder or both.

§13–2201.

(a) Section 4–702(a) ("On death of license holder") of Division I of this article applies in the county without exception or variation.

(b) The following sections of Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article do not apply in the county:

(1) § 4–702(b) ("After vacation of or eviction from premises");

(2) § 4–703 ("Pending or approved transfers or continuation of business");

(3) § 4–704 ("License for premises acquired for public use"); and

(4) § 4–705 ("Postponement to avoid hardship").

§13–2202.

(a) A license expires 1 year after the license holder has closed the business or stopped active alcoholic beverages business operations at the premises for which the license is held unless:

(1) an application for approval of a transfer to another location or another person under Subtitle 17 of this title has been approved or is pending;

(2) an application for a certificate of permission or a renewal license for continuation of business under Subtitle 23 of this title has been approved or is pending; or

(3) a written request for a hardship extension under subsection (b) of this section is filed within the 1–year period.

(b) Except as provided in subsection (d) of this section:

(1) the license holder or another appropriate interested party may make a written request to the Board to extend the life of the license due to hardship;

(2) submission of a request under item (1) of this subsection shall automatically extend the life of the license for 2 years after the date of the closing or stopping of business operations; and

(3) a hardship extension may not prolong the life of an inactive license beyond the total of:

(i) 2 years after the date of closing or stopping of alcoholic beverages business operations at the premises for which the license is held; and

(ii) any time period during which the license is suspended under subsection (a)(1) or (2) of this section.

(c) (1) The period for which a license may be considered unexpired:

(i) begins at the earlier of the closing of the business or stopping of alcoholic beverages business operations; and

(ii) may be suspended only by filing an application or request under subsection (a) of this section.

(2) The expiration period resumes on the last to occur of the following events:

(i) final action of the Board denying an application described in subsection (a)(1) or (2) of this section;

(ii) final judgment of the reviewing court if judicial review of the Board's action on an application or request authorized by subsection (a)(1) or (2) of this section has affirmed the Board's action; or

(iii) dismissal of a petition for judicial review of the Board's action.

(3) If an application or request described in subsection (a) or (b) of this section is withdrawn:

(i) the period for automatic expiration of the license may not be suspended on the basis of the withdrawn application or request; and

(ii) the application or request shall be considered as if it had not been filed.

(d) If a licensed premises is forced to close because of a casualty loss, the Board, without circuit court approval, may extend the license for not more than 3 years after the closing.

§13–2301.

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4–802 ("Expiration of license on death of license holder");

(2) § 4–804 ("Transfer or reinstatement of license");

(3) § 4–805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4–806 ("Refund").

(b) Section 4–803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 13–2302 of this subtitle.

§13–2302.

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

(i) the surviving spouse;

(ii) the surviving partners for the benefit of the partnership; or

(iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

(i) for the balance of the license year; and

(ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

(1) the surviving spouse;

(2) the surviving partners of a partnership; or

(3) the senior surviving officer of the corporation for the benefit of the corporation.

§13–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§13–2501.

(a) This section:

(1) applies to an establishment that:

(i) is not licensed under this title; and

(ii) serves or gives alcoholic beverages to a customer or allows a customer to consume alcoholic beverages that are from supplies that the customer previously purchased or reserved; and

(2) does not apply to an establishment licensed under this title.

(b) After legal closing hours for licensed premises under §§ 13–2004 and 13–2005 of this title, an unlicensed establishment may not serve, keep, or allow to be consumed alcoholic beverages, setups, or other component parts of mixed alcoholic drinks at a location under its control or possession.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§13–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§13–2503.

(a) Alcoholic beverages may not be brought into an establishment and consumed or transferred if the establishment is a place of adult entertainment of the type prohibited under § 4–605 of this article.

(b) (1) A person who operates a place of adult entertainment who knowingly allows a violation of this section on the premises is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $5,000 for each violation.

(2) Each day of operation in violation of this section is a separate violation.

§13–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(5) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(6) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(7) § 6–209 ("Adoption of standards for authorization of consumption"); and

(8) § 6–211 ("Fines and forfeitures").

(b) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article do not apply in the county:

(1) § 6–205 ("Peace officers"); and

(2) § 6–210 ("State preemption of local disorderly intoxication laws"), which is superseded by § 13–2602 of this subtitle.

§13–2602.

The county may:

(1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

§13–2603.

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

§13–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 ("Maximum alcohol content");

(12) § 6–317 ("Multiple serving purchase required");

(13) § 6–320 ("Disorderly intoxication");

(14) § 6–321 ("Consumption of alcoholic beverages in public");

(15) § 6–323 ("Possession or use of Alcohol Without Liquid machine");

(16) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");

(17) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");

(18) § 6–328 ("Tax evasion");

(19) § 6–329 ("Destruction of evidence"); and

(20) § 6–330 ("Perjury").

(b) Section 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder") of Division I of this article does not apply in the county.

(c) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 13–2702 of this subtitle;

(2) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 13–2703 of this subtitle; and

(3) § 6–322 ("Possession of open container"), subject to § 13–2704 of this subtitle.

§13–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) The Board may not proceed against a license holder for a violation of § 6–304 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

§13–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The Board may not proceed against a license holder for a violation of § 6–307 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

§13–2704.

In addition to the prohibitions listed in § 6–322 of this article, an individual may not possess in an open container an alcoholic beverage while on a motorcycle located in the places listed in § 6–322, unless authorized.

§13–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§13–2802.

For a violation that is cause for suspension or revocation of a license, after holding a public hearing and finding that a person has violated an alcoholic beverages law or regulation, the Board may:

(1) impose a fine not exceeding $2,000;

(2) suspend or revoke the license; or

(3) impose a fine and suspend or revoke the license.

§14–101.

(a) In this title:

(1) 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 Calvert County.

(c) "County" means Calvert County.

(d) "Light wine" means wine that contains not more than 15.5% of alcohol by volume.

§14–102.

This title applies only in Calvert County.

§14–103.

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§14–201.

There is a Board of License Commissioners for Calvert County.

§14–202.

(a) (1) The Governor shall appoint three regular members and one substitute member to the Board.

(2) The appointments shall be made:

(i) if the Senate is in session, with the advice and consent of the Senate; or

(ii) if the Senate is not in session, by the Governor alone.

(b) (1) Each member of the Board shall be:

(i) a resident and voter of the county; and

(ii) an individual of high character and integrity and of recognized business capacity.

(2) One regular member of the Board shall always be a member of the political party that at the last preceding gubernatorial election polled the second highest number of votes throughout the State for that office.

(c) (1) The substitute member serves on the Board in the absence of a regular member.

(2) When serving on the Board, the substitute member has all of the powers and responsibilities of a regular member.

(d) The term of a member is 2 years.

(e) (1) The Governor shall appoint an eligible individual to fill a vacancy that occurs during the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(f) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

§14–203.

In making the appointments, the Governor shall designate a chair from among the regular members of the Board.

§14–204.

(a) (1) The chair of the Board shall receive $5,000 annually for expenses incurred while performing the duties of the office.

(2) Each regular member of the Board shall receive $4,350 annually for expenses incurred while performing the duties of the office.

(3) The substitute member of the Board shall receive $200 for each meeting of the Board attended as an acting regular member for expenses incurred while performing the duties of the office.

(b) Subject to § 14–205 of this subtitle, the Board:

(1) may employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) shall set the compensation of the employees.

(c) The Board may appoint a clerk and an attorney at salaries that the County Commissioners set.

(d) The Board of County Commissioners shall pay the salaries and expenses of the Board of License Commissioners.

§14–204.1.

(a) Except as provided in subsection (b) of this section, at least 3 months before submitting a legislative proposal to the county delegation for introduction as a bill in a session of the General Assembly, the Board shall:

(1) post a notice of the proposal on the Board's website;

(2) send a notice of the proposal by e–mail to each license holder; and

(3) hold a public hearing on the proposal.

(b) Subsection (a) of this section does not apply to a legislative proposal to the county delegation for introduction as an emergency bill in a session of the General Assembly.

§14–205.

With the approval of the County Commissioners, the Board may appoint full–time or part–time inspectors who:

(1) shall have their salaries set by the County Commissioners on an annual or per diem basis; and

(2) shall be paid reasonable expenses related to performance of their duties.

§14–206.

The Board may adopt regulations to carry out this article.

§14–301.

There is no liquor control board or department of liquor control in the county.

§14–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 (“Class 5 brewery license”);

(8) § 2–208 (“Class 6 pub–brewery license”);

(9) § 2–209 (“Class 7 micro–brewery license”);

(10) § 2–210 (“Class 8 farm brewery license”);

(11) § 2–211 (“Residency requirement”);

(12) § 2–212 (“Additional licenses”);

(13) § 2–213 (“Additional fees”);

(14) § 2–214 (“Sale or delivery restricted”);

(15) § 2–216 (“Interaction between manufacturing entities and retailers”);

(16) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and

(17) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).

(b) Section 2–215 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article does not apply in the county.

§14–402.

A holder of a manufacturer’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§14–501.

(a) The following sections of Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 2–301 (“Licenses issued by Comptroller”);

(2) § 2–302 (“Class 1 beer, wine, and liquor wholesaler’s license”);

(3) § 2–303 (“Class 2 wine and liquor wholesaler’s license”);

(4) § 2–304 ("Class 3 beer and wine wholesaler's license");

(5) § 2–305 ("Class 4 beer wholesaler's license");

(6) § 2–306 ("Class 5 wine wholesaler's license");

(7) § 2–307 ("Class 6 limited wine wholesaler's license");

(8) § 2–308 ("Class 7 limited beer wholesaler's license");

(9) § 2–309 ("Sale and delivery of beer or wine from wholesaler's vehicle");

(10) § 2–310 ("Sale and delivery to retail license holder");

(11) § 2–311 ("Additional wholesaler's licenses");

(12) § 2–312 ("Direct importation of alcoholic beverages");

(13) § 2–313 ("Sale or delivery restricted to holder of license or permit");

(14) § 2–315 ("Interaction between wholesaling entities and retailers");

(15) § 2–316 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

(b) Section 2–314 ("Beer sale on credit to retail dealer prohibited") of Division I of this article does not apply in the county.

§14–502.

Except as provided in § 14–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§14–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§14–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer is sold.

(c) The annual license fee is $150.

§14–602.

(a) There is a Class B beer license.

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

(c) The license holder is eligible to be issued a special event festival permit under § 14–906 of this title.

(d) The annual license fee is $250.

§14–603.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) The annual license fee is $50.

§14–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The license holder is eligible to be issued a special event festival permit under § 14–906 of this title.

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

§14–701.

(a) There is a Class A light wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license light wine produced at the winery.

(2) Light wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $50.

§14–801.

(a) There is a Class A beer and light wine license.

(b) (1) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and light wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or light wine is sold.

(c) The annual license fee is $300.

§14–802.

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

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

(c) The license holder is eligible to be issued a special event festival permit under § 14–906 of this title.

(d) The annual license fee is $250.

§14–803.

A Class C beer and light wine license may not be issued in the county.

§14–804.

A Class D beer and light wine license may not be issued in the county.

§14–901.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

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

§14–902.

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

(b) The Board may issue the license to the owner of a hotel that:

(1) is in a building at least three stories tall that was originally constructed for hotel purposes;

(2) has a capital investment of at least $500,000; and

(3) contains:

(i) at least one passenger elevator;

(ii) at least 100 rooms for the accommodation of the public; and

(iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating.

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

(d) The annual license fee is:

(1) $1,250, if the licensed premises remains open until midnight; or

(2) $2,250, if the licensed premises remains open until 2 a.m.

§14–903.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor in a restaurant at the place described in the license for on–premises consumption with meals.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 14–2004(b) of this title.

(d) The annual license fee is $500.

§14–904.

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

(b) The Board may issue the license for use by:

(1) a country club;

(2) a post home of a post of the American Legion or Veterans of Foreign Wars; or

(3) a yacht club that is approved by the Board.

(c) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license, for on–premises consumption.

(2) A license for use in a post home allows for the sale of liquor only by the drink.

(d) The annual license fee:

(1) for a country club is $1,000;

(2) for a post home is $500; and

(3) for a yacht club is $500.

§14–905.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is:

(1) $1,250, if the licensed premises remains open until midnight; or

(2) $2,250, if the licensed premises remains open until 2 a.m.

§14–906.

(a) There is a special event festival beer, wine, and liquor permit.

(b) The Board may issue the permit to a license holder of a Class B or Class D license.

(c) Before the Board issues the permit, the applicant shall:

(1) demonstrate a reasonable expectation of attracting at least 250 customers to the special event; and

(2) commit to provide any additional security personnel required to be at the event for traffic, parking, and patrol purposes.

(d) Subject to the discretion of the Board, the permit authorizes the holder to operate additional bars or service counters for the sale and service of alcoholic beverages that are allowed under the holder's license:

(1) inside or outside the licensed premises; and

(2) for at least 1 day and not more than 3 consecutive days.

(e) The permit fee is $100.

§14–1001.

(a) There is a continuing care retirement community license.

(b) The Board may issue the license for use by a club that:

(1) is composed of residents of a continuing care retirement community that has obtained a certificate of registration from the Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and

(2) has at least 50 members paying average dues of at least $5 per year per member.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license to a member or a guest when accompanied by a member.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 14–2004 of this title.

(e) The annual license fee is $500.

§14–1002.

(a) There is an organizational license.

(b) The Board may issue the license to a fraternal organization, volunteer fire department, or volunteer rescue squad for use on the premises that the organization, fire department, or rescue squad owns or regularly uses to hold functions.

(c) The license authorizes the holder to sell beer, wine, and liquor by the drink for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 14–2004 of this title.

(e) The annual license fee is $500.

§14–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 14–1102 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 14–1103 of this subtitle.

§14–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) The annual permit fees are:

(1) $50 for an applicant whose license has an off–sale privilege; and

(2) $500 for an applicant whose license does not have an off–sale privilege.

§14–1103.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:

(i) $50 for an applicant whose license has an off–sale privilege; and

(ii) $500 for an applicant whose license does not have an off–sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§14–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(3) § 4–1204 ("Class C per diem beer, wine, and liquor license");

(4) § 4–1206 ("License to dispose of stock");

(5) § 4–1207 ("Temporary move of licensed premises");

(6) § 4–1208 ("Hours and days of sale"); and

(7) § 4–1209 ("Wine permit for fund–raising event").

(b) Section 4–1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 14–1308 of this subtitle.

§14–1304.

(a) There is a beer or wine festival (BWF) license.

(b) The Board may issue the license to:

(1) a holder of:

(i) a retail license authorizing the sale of beer or wine;

(ii) a Class 3 winery license;

(iii) a Class 4 limited winery license;

(iv) a Class 5 brewery license;

(v) a Class 7 micro–brewery license; or

(vi) a Class 8 farm brewery license; or

(2) a nonprofit organization.

(c) The primary purpose of the license is to authorize the holder to display and sell beer that is brewed in the State or wine that is manufactured and processed in the State.

(d) A license holder shall display and sell beer or wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the beer or wine festival.

(e) The Board:

(1) may approve up to 4 weekends for beer or wine festivals per applicant each year; and

(2) shall approve the location for a festival.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is $15.

(h) The Board shall adopt regulations to carry out this section.

§14–1305.

(a) There is a beer, wine, and liquor tasting (BWLT) license.

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

(c) (1) Subject to paragraph (2) of this subsection, the license authorizes the holder of:

(i) a Class A beer and wine license to hold tastings of:

1. wine; or

2. beer and wine; and

(ii) a Class A beer, wine, and liquor license to hold tastings of:

1. wine;

2. beer and wine; or

3. beer, wine, and liquor.

(2) To hold a tasting, the holder of the license shall provide alcoholic beverages to consumers at no charge.

(3) In addition to the privileges stated in paragraph (1) of this subsection, the license:

(i) authorizes the holder to hold a tasting every day of the year; but

(ii) restricts a single tasting to not more than 3 hours.

(d) (1) An applicant shall submit to the Board an application on the form that the Board provides.

(2) The Board may issue the license without a hearing.

(3) The license may be renewed only when the Class A beer and wine or Class A beer, wine, and liquor license is renewed.

(e) An individual may consume beer, wine, and liquor covered by the license in a quantity of not more than:

(1) 1 ounce from each offering of beer or wine; and

(2) one–half ounce from each offering of liquor.

(f) The annual license fee is:

(1) $200, if the license is used for wine;

(2) $250, if the license is used for beer or wine; and

(3) $300, if the license is used for beer, wine, and liquor.

§14–1308.

(a) The fee for a Class C per diem beer license or a Class C per diem beer and wine license is $5 per day.

(b) The fee for a Class C per diem beer, wine, and liquor license is:

(1) $15 per day for a religious, fraternal, civic, war veterans', charitable, or hospital supporting organization; and

(2) $25 per day for any other license holder.

§14–1401.

(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) § 4–105 ("Application on behalf of limited liability company");

(4) § 4–106 ("Payment of notice expenses");

(5) § 4–108 ("Application form required by Comptroller");

(6) § 4–109 ("Required information on application — In general");

(7) § 4–110 ("Required information on application — Petition of support");

(8) § 4–111 ("Payment of license fees"); and

(9) § 4–114 ("Fees for licenses issued for less than 1 year").

(b) Section 4–113 ("Refund of license fees") of Division I of this article does not apply in the county and is superseded by § 14–1406 of this subtitle.

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

(1) § 4–104 ("Application on behalf of corporation or club"), in addition to § 14–1404 of this subtitle;

(2) § 4–107 ("Criminal history records check"), subject to § 14–1403 of this subtitle; and

(3) § 4–112 ("Disposition of license fees"), subject to § 14–1405 of this subtitle.

§14–1402.

In addition to any other fee required for a license, an administrative fee of $250 shall be charged for an application for a new license.

§14–1403.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

§14–1404.

(a) The name of the person who owns the greatest number of shares in the corporation for which an application for a license is made shall appear on the application as an applicant.

(b) An applicant for a corporation who is a resident of the county shall own at least 10% of the corporation.

§14–1405.

(a) If a licensed premises is located in a municipality:

(1) 50% of the net license fees shall be paid to the municipality; and

(2) 50% of the net license fees shall be paid to the county for the purposes of the county.

(b) If a licensed premises is located outside a municipality, all of the net license fees shall be paid to the county.

§14–1406.

A retail license holder is not entitled to a refund for a license issued in the county.

§14–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–209 ("Hearing");

(5) § 4–210 ("Approval or denial of license application");

(6) § 4–212 ("License not property");

(7) § 4–213 ("Replacement licenses"); and

(8) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to § 14–1502 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 14–1503 of this subtitle and Subtitle 13, Part III of this title;

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 14–1503 of this subtitle;

(4) § 4–208 ("Notice of license application required"), subject to § 14–1504 of this subtitle; and

(5) § 4–211 ("License forms; effective date; expiration"), subject to § 14–1505 of this subtitle.

§14–1502.

The Board may not issue a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license to a person that holds an out–of–state alcoholic beverages license.

§14–1503.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and light wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§14–1504.

(a) In addition to the newspaper notice required under § 4–208 of this article, the Board shall post a suitable notice in a conspicuous place at the location described in the application for at least 10 days before the application hearing.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

§14–1505.

A license shall expire on the next June 30 after its issuance.

§14–1506.

(a) The Board may authorize a license holder to install an additional bar or serving counter within a reasonable distance of the main building of the premises served by the license held by the license holder.

(b) The Board shall determine what is a reasonable distance for an additional bar or serving counter.

(c) An additional license is not required for an additional bar or serving counter.

§14–1507.

A license holder may exchange the license for any other license for the same premises by complying with the application procedures of this title and paying the license fees.

§14–1603.

(a) There is a Class BLX license for luxury–type restaurants in the 27th legislative district of the county.

(b) (1) The Board may issue the license for use by a restaurant that has:

(i) a capital investment of at least $500,000 for the dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and

(ii) seating for at least 150 individuals.

(2) The license authorizes the license holder to sell beer, wine, and liquor for on– and off–premises consumption if sold in sealed containers.

(c) A person may not have a direct or indirect interest in more than four Class B and Class BLX licenses in any combination.

(d) An indirect interest is presumed to exist between any combination of persons if any of the following conditions exist between them:

(1) a common parent company;

(2) a franchise agreement;

(3) a licensing agreement;

(4) a concession agreement;

(5) dual membership in a chain of businesses commonly owned and operated;

(6) a sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;

(7) common direct or indirect sharing of profit from the sale of alcoholic beverages; or

(8) a sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.

(e) Subject to the requirements of subsection (b) of this section, the Board shall define "luxury–type restaurant" by regulation.

(f) The license fee is $2,400.

§14–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory");

(2) § 4–303 ("Chain store, supermarket, or discount house");

(3) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(4) § 4–306 ("Substitution of names of officers on license").

(b) Section 4–305 ("Filing fee and endorsement") of Division I of this article applies in the county, subject to § 14–1703 of this subtitle.

§14–1702.

An applicant for a transfer of a license is subject to a State and national criminal history records check under § 4–107 of this article.

§14–1703.

In addition to any other fee required for a license, an administrative fee of $250 shall be charged for an application for a transfer of a license.

§14–1704.

The Board may waive the residency requirement for applicants for a license if the applicant for the transfer:

(1) is the purchaser and proprietor of the establishment for which the transfer is sought; and

(2) can submit to the satisfaction of the Board:

(i) proper persons who know the applicant and can vouch for the good character of the applicant; or

(ii) other evidence that the applicant is a fit and proper person to hold the license.

§14–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–407 ("Denial of renewal application");

(4) § 4–408 ("Issuance of renewed licenses");

(5) § 4–409 ("Multiple licenses"); and

(6) § 4–410 ("Chain store, supermarket, or discount house").

(b) Section 4–404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 14–1802 of this subtitle.

(c) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county:

(1) § 4–405 ("Contents of renewal application"), subject to § 14–1803 of this subtitle; and

(2) § 4–406 ("Protests"), subject to § 14–1804 of this subtitle.

§14–1802.

(a) To renew a license, the license holder annually shall file an application with the Board between April 1 and May 1, inclusive.

(b) A license renewal application that the Board receives on or after July 1 is subject to a late fine of $50 for each day the application is late, up to a maximum amount of $500.

§14–1803.

(a) An application for license renewal shall be accompanied by:

(1) a statement of the hours of operation of the licensed premises;

(2) a statement of the name of the manager of the licensed premises; and

(3) a copy of the current statement for the licensed business that shows that all applicable taxes are paid.

(b) In addition to the statements required under subsection (a) of this section, an application for renewal of a Class B license shall be accompanied by a statement of the average monthly sales of food and alcoholic beverages for the licensed premises.

§14–1804.

A protest of a license renewal shall:

(1) specify the basis on which the protest is made; and

(2) be filed under oath.

§14–1805.

Notwithstanding § 14–1502 of this title, the Board may renew a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license originally issued to a holder of an out–of–state alcoholic beverages license.

§14–1806.

A license shall expire on the next June 30 after its renewal.

§14–1807.

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

§14–1901.

Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article applies in the county without exception or variation.

§14–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§14–2002.

(a) A holder of a Class A beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

§14–2003.

(a) A holder of a Class A beer and light wine license may sell beer and light wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer and light wine license may sell beer and light wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer and light wine license may sell beer and light wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer and light wine license may sell beer and light wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

§14–2004.

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

§14–2005.

A license holder may not be required to close the licensed premises at any time on January 1.

§14–2101.

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

§14–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§14–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

§14–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§14–2402.

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

§14–2501.

(a) In this section, "bottle club" is explicitly defined as and limited to an establishment that is:

(1) a restaurant that accommodates the public and is equipped with a dining room with facilities for preparing and serving regular meals; or

(2) a nightclub that offers to the public music, dancing, or other nighttime entertainment.

(b) An establishment that is a bottle club not licensed by the Board, at a location under the control or possession of the establishment, may not:

(1) serve or keep alcoholic beverages; or

(2) allow alcoholic beverages to be consumed.

(c) A volunteer fire department, rescue squad, or emergency medical services organization may conduct not more than four events each year to which an individual may bring alcoholic beverages to be consumed on a location under the control or possession of the volunteer fire department, rescue squad, or emergency medical services organization.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§14–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§14–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(2) § 6–204 ("Power to summon witnesses");

(3) § 6–205 ("Peace officers");

(4) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(5) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(6) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(7) § 6–209 ("Adoption of standards for authorization of consumption");

(8) § 6–210 ("State preemption of local disorderly intoxication laws"); and

(9) § 6–211 ("Fines and forfeitures").

(b) Section 6–202 ("Inspections") of Division I of this article applies in the county, subject to § 14–2602 of this subtitle.

§14–2602.

The Board or its designee may inspect each licensed premises at least once every 6 months.

§14–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 ("Maximum alcohol content");

(12) § 6–317 ("Multiple serving purchase required");

(13) § 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder");

(14) § 6–320 ("Disorderly intoxication");

(15) § 6–321 ("Consumption of alcoholic beverages in public");

(16) § 6–322 ("Possession of open container");

(17) § 6–323 ("Possession or use of Alcohol Without Liquid machine");

(18) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");

(19) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");

(20) § 6–328 ("Tax evasion");

(21) § 6–329 ("Destruction of evidence"); and

(22) § 6–330 ("Perjury").

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 14–2702 of this subtitle; and

(2) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 14–2703 of this subtitle.

§14–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) A license holder or an employee of a license holder who violates § 6–304 of this article is guilty of a misdemeanor and on conviction is subject to:

(1) if the convicted individual is a license holder, a fine not exceeding $200; and

(2) if the convicted individual is an employee of a license holder, a fine not exceeding $250.

(d) The Board may not proceed against a license holder for a violation of § 6–304 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

§14–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder who violates § 6–307 of this article is guilty of a misdemeanor and on conviction is subject to:

(1) if the convicted individual is a license holder, a fine not exceeding $200; and

(2) if the convicted individual is an employee of a license holder, a fine not exceeding $250.

(c) The Board may not proceed against a license holder for a violation of § 6–307 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

§14–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§14–2802.

(a) Subject to subsection (d) of this section, the Board may:

(1) except for a violation regarding an unlicensed establishment, impose a fine not exceeding:

(i) $1,000 for a violation of State law; or

(ii) $500 for a violation of the regulations of the Board; or

(2) suspend a license for a violation of any alcoholic beverages law that applies in the county.

(b) If a license holder or an employee of a license holder sells alcoholic beverages to an individual under the age of 21 years, the Board may:

(1) for a first offense, impose a fine not exceeding $500 or suspend the license for not more than 3 days or both; and

(2) for an offense occurring within 3 years after a prior offense, impose a fine not exceeding $1,000 or suspend the license for not more than 30 days or both.

(c) In determining the length of a suspension under subsection (b)(2) of this section, the Board shall consider:

(1) the class of license; and

(2) the economic impact the suspension will have on:

(i) the business of the license holder; and

(ii) employees of the license holder.

(d) A fine under this section shall be imposed subject to § 10–1001 of the State Government Article.

(e) Fines collected under this section shall be paid into the general fund of the county.

§15–101.

(a) In this title:

(1) 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 Caroline County.

(c) "County" means Caroline County.

§15–102.

This title applies only in Caroline County.

§15–103.

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§15–201.

There is a Board of License Commissioners for Caroline County.

§15–202.

(a) (1) The Governor shall appoint three members to the Board.

(2) The appointments shall be made:

(i) if the House of Delegates is in session, with the advice and consent of the House of Delegates; or

(ii) if the House of Delegates is not in session, by the Governor alone.

(3) An appointment made under paragraph (2)(ii) of this subsection shall continue in force until the end of the next session of the General Assembly.

(b) Each member of the Board shall be:

(1) a resident and voter of the county; and

(2) an individual of high character and integrity and of recognized business capacity.

(c) (1) The term of a regular member is 3 years.

(2) The terms of the regular members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(d) (1) The Governor shall appoint an eligible individual to fill a vacancy that occurs during the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

§15–203.

(a) (1) The Governor shall appoint one substitute member to the Board.

(2) The appointment shall be made:

(i) if the House of Delegates is in session, with the advice and consent of the House of Delegates; or

(ii) if the House of Delegates is not in session, by the Governor alone.

(3) An appointment made under paragraph (2)(ii) of this subsection shall continue in force until the end of the next session of the General Assembly.

(b) The term of the substitute member is 3 years and begins on the first Monday in May.

(c) If a regular member of the Board becomes incapacitated from any cause or if a vacancy occurs on the Board for any reason, the substitute member, on request of the chair or the majority of the Board, shall serve on the Board until the incapacity ends or the vacancy is filled.

(d) While serving on the Board, the substitute member has all the powers and duties of a regular member.

§15–204.

In making the appointments, the Governor shall designate a chair from among the regular members of the Board.

§15–205.

(a) (1) (i) The regular members of the Board shall receive annual salaries as determined by the County Commissioners, but not less than:

1. $3,000 for the chair of the Board; and

2. $2,500 for each other regular member of the Board.

(ii) The substitute member of the Board shall receive $100 per meeting attended but not more than $2,000 in any 1–year period.

(2) The chair, other regular members, and the substitute member of the Board shall be reimbursed for expenses incurred in the performance of their duties in accordance with the Standard State Travel Regulations.

(b) (1) The Board may:

(i) employ:

1. a secretary; and

2. clerical and other assistants as are necessary; and

(ii) set the compensation of the employees.

(2) (i) The Board may appoint an attorney for the Board.

(ii) The County Commissioners shall set the compensation for the attorney.

(iii) The attorney is subject to the county ethics ordinance.

§15–206.

(a) The county codes administrator is the inspector for the Board.

(b) The Board shall specify the duties of the inspector, including the administration and enforcement of the alcoholic beverages laws of the county.

(c) The salary of the inspector shall be as provided in the county budget.

§15–207.

The Board may adopt regulations to carry out this article.

§15–301.

There is no liquor control board or department of liquor control in the county.

§15–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–209 ("Class 7 micro–brewery license");

(9) § 2–210 ("Class 8 farm brewery license");

(10) § 2–211 ("Residency requirement");

(11) § 2–212 ("Additional licenses");

(12) § 2–213 ("Additional fees");

(13) § 2–214 ("Sale or delivery restricted");

(14) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(15) § 2–216 ("Interaction between manufacturing entities and retailers");

(16) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(17) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2–208 ("Class 6 pub–brewery license") of Division I of this article does not apply in the county.

§15–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

§15–501.

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

§15–502.

Except as provided in § 15–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§15–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§15–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer is sold.

(c) The annual license fee is $250.

§15–602.

(a) There is a Class B beer license.

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

(c) The annual license fee is $250.

§15–603.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) The annual license fee is $250.

§15–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on–and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is $300.

§15–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee shall be set by the Board of License Commissioners with the approval of the Board of County Commissioners.

§15–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§15–802.

(a) There is:

(1) a Class A beer and wine 6–day license; and

(2) a Class A beer and wine 7–day license.

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fees are:

(1) $600 for a 6–day license; and

(2) $900 for a 7–day license.

§15–803.

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

(b) 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 $500.

§15–804.

A Class C beer and wine license may not be issued in the county.

§15–805.

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

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $500.

§15–806.

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

(b) 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–premises consumption.

(c) The annual license fee is $500.

§15–901.

(a) There is:

(1) a 6–day Class A beer, wine, and liquor license; and

(2) a 7–day Class A beer, wine, and liquor license.

(b) (1) Each license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) The 6–day or 7–day license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is:

(1) $1,250 for a 6–day license; and

(2) $1,600 for a 7–day license.

§15–902.

(a) There is:

(1) a 6–day Class B beer, wine, and liquor license; and

(2) a 7–day Class B beer, wine, and liquor license.

(b) The Board may issue the license to the owner of a hotel that:

(1) is in a building at least three stories tall that was originally constructed for hotel purposes;

(2) has a capital investment of at least $500,000; and

(3) contains:

(i) at least one passenger elevator;

(ii) at least 100 rooms for the accommodation of the public; and

(iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating.

(c) Each license authorizes the license holder to sell beer, wine, and liquor by the drink at a hotel or restaurant as defined by the Board at the place described in the license for on–premises consumption.

(d) The annual license fee is:

(1) $1,000 for a 6–day license; and

(2) $1,250 for a 7–day license.

§15–903.

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

(b) (1) The Board may issue the license for use by:

(i) a nonprofit country club;

(ii) a nonprofit yacht club; or

(iii) a veterans' organization composed only of members.

(2) The club or organization shall:

(i) operate only for the use of its members and guests accompanied by members;

(ii) meet in a clubhouse that is used exclusively for its members and guests; and

(iii) 1. have at least 100 members paying the dues that were required in the year immediately before the year for which the license is issued; or

2. for organizations affiliated with a national organization and composed exclusively of members who serve in the armed forces of the United States, have at least 50 members paying the dues that were required by the national organization in the year immediately before the year for which the license is issued.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at a club at the place described in the license, for on–premises consumption.

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

§15–904.

(a) There is:

(1) a 6–day Class D beer, wine, and liquor license; and

(2) a 7–day Class D beer, wine, and liquor license.

(b) Each license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is:

(1) $1,250 for a 6–day license; and

(2) $1,600 for a 7–day license.

§15–1001.

(a) There is a barbershop and beauty salon beer and wine license.

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

(1) a barbershop permit issued under § 4–501 of the Business Occupations and Professions Article; or

(2) a beauty salon permit issued under § 5–501 of the Business Occupations and Professions Article.

(c) The license authorizes the license holder to provide not more than 12 ounces of beer or 5 ounces of wine by the glass for on–premises consumption by a barbershop or beauty salon customer when the customer is being provided:

(1) a barbering service under Title 4 of the Business Occupations and Professions Article; or

(2) a cosmetology service under Title 5 of the Business Occupations and Professions Article.

(d) A license holder may provide beer and wine during normal business hours.

(e) A license holder may not transfer the license to another location.

(f) An establishment for which the license is issued is subject to the alcohol awareness training requirements under § 4–505 of this article and § 15–1902 of this title.

(g) The annual license fee is $100.

§15–1002.

(a) There is a Class B–BB (bed and breakfast) beer, wine, and liquor license.

(b) The Board may issue the license to a license holder who is approved by the appropriate local governmental unit to operate a bed and breakfast that:

(1) provides services ordinarily provided by a bed and breakfast;

(2) has at least one room but not more than 5 rooms, each with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time; and

(3) has a kitchen facility that has been approved by the appropriate local governmental unit.

(c) The license authorizes the license holder to sell beer, wine, and liquor to a guest if:

(1) the name and address of the guest appears on the registry that the bed and breakfast maintains; and

(2) the guest is an occupant of a sleeping room in the bed and breakfast.

(d) (1) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption to a guest of a catered event at the bed and breakfast if:

(i) 1. the license holder is under contract to cater the event;

2. the license holder caters the event; and

3. food is served at the catered event; or

(ii) the license holder hosts an event for which tickets are sold in advance.

(2) The license authorizes the license holder to contract to provide alcoholic beverages at events held off the premises if:

(i) the event is held in the county;

(ii) the bed and breakfast also contracts to provide food at the catered event; and

(iii) the cost of alcoholic beverages does not exceed 50% of the total invoice for the catered event.

(3) The license authorizes the license holder to allow a guest of the bed and breakfast, whose name and address appears on the registry of the establishment, to bring personal alcoholic beverages onto the premises for on–premises consumption during the hours and days as set out under subsection (e) of this section.

(e) The license holder may sell beer, wine, and liquor for on–premises consumption during the hours and days as set out for a Class B beer, wine, and liquor license under § 15–2004 of this title.

(f) Except during catered events that meet the requirements under subsection (d) of this section or ticketed events hosted by the license holder, the license does not authorize the sale of beer, wine, and liquor to an individual who:

(1) is not a guest of the bed and breakfast; or

(2) is registered as a guest at the bed and breakfast only to obtain beer, wine, and liquor.

(g) (1) A bed and breakfast may not be operated only to sell or provide beer, wine, and liquor.

(2) If the bed and breakfast ends operations as a bed and breakfast:

(i) the license is void; and

(ii) the license holder shall return the license to the Board.

(h) This section may not be construed to apply to a permanent resident on the premises or to guests of the permanent resident.

(i) The license holder shall:

(1) maintain records of all catered events, on–premises and off–premises, where alcoholic beverages are served; and

(2) make the records required under paragraph (1) of this subsection available on request to the Board, the Comptroller, or the Executive Director.

(j) The annual license fee is $500.

§15–1003.

(a) There is a Class GC (golf course) beer, wine, and liquor license.

(b) The Board may issue the license for the use of a golf course that:

(1) is open to the public;

(2) is operated for profit;

(3) owns real estate in the county; and

(4) has a golf course with a minimum of 18 holes.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption on the land and in the buildings, including the clubhouse, that are used for golfing purposes.

(2) A patron need not be seated to be served.

(d) The license holder may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(e) The annual license fee is $1,600.

§15–1004.

(a) There is a special event venue beer, wine, and liquor license.

(b) The Board may issue the license:

(1) to the owner of a special event venue; and

(2) (i) to the same applicant for all events for which the license is issued; and

(ii) for use at only one premises.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(d) The license may not be transferred to another location.

(e) A license holder may sell beer, wine, and liquor during the hours set in county law for special event venues.

(f) A license holder may purchase beer, wine, and liquor only from a licensed wholesaler.

(g) A license holder is subject to the alcohol awareness training requirements under § 4–505 of this article and § 15–1902 of this title.

(h) The fee for a special event venue license is:

(1) $250 for not more than 10 events per year;

(2) $500 for not more than 20 events per year;

(3) $750 for not more than 30 events per year; and

(4) $1,000 for not more than 40 events per year.

§15–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 15–1102 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 15–1103 of this subtitle.

§15–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class B or Class H license.

(b) The hours of sale for a refillable container permit begin at the same time for the underlying license and end at midnight.

(c) The annual permit fee is $500.

§15–1103.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class B or Class H license.

(b) The hours of sale for the permit:

(1) begin at the same time for the underlying license; and

(2) end at midnight.

(c) (1) Except as provided in paragraph (2) of this subsection, the annual permit fee is $500.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§15–1201.

(a) There is a local caterer's license.

(b) The Board may issue the license to a person to contract with a sponsor of a public or private event to provide food and alcoholic beverages if the person holds:

(1) an alcoholic beverages license issued in the county; and

(2) a caterer's license issued by the county health department.

(c) The license authorizes a holder to:

(1) sell or provide alcoholic beverages on the premises of a catered event during the event; and

(2) exercise the privileges of the license only during the hours and on the days authorized for a Class B restaurant or hotel (on–sale) beer, wine, and liquor license.

(d) The license holder shall provide food for consumption at the catered event.

(e) The Board shall set the fee for the license.

(f) This section does not require a holder of a Class B restaurant or hotel (on–sale) beer, wine, and liquor license to obtain a local caterer's license for catering on the premises for which the Class B license is issued.

§15–1301.

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

(1) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(2) § 4–1204 ("Class C per diem beer, wine, and liquor license");

(3) § 4–1205 ("License fees");

(4) § 4–1206 ("License to dispose of stock");

(5) § 4–1207 ("Temporary move of licensed premises");

(6) § 4–1208 ("Hours and days of sale"); and

(7) § 4–1209 ("Wine permit for fund–raising event").

(b) Section 4–1202 ("Per diem licenses") of Division I of this article applies in the county, subject to § 15–1307 of this subtitle.

§15–1304.

(a) There is a 1–day beer, wine, and liquor tasting (BWLT) license.

(b) The Board may issue the license to a holder of a license or an organization that qualifies for a Class C per diem beer, a Class C per diem beer and wine, or a Class C per diem beer, wine, and liquor license.

(c) (1) The license authorizes the holder to allow the consumption of beer, wine, or liquor for tasting if:

(i) the consumer is not charged for the beer, wine, or liquor; and

(ii) the beer, wine, or liquor is consumed on the licensed premises.

(2) The license may not be issued to a person more than 26 times in a calendar year.

(d) The Board need not publish a license application before granting the license.

(e) An individual may consume beer, wine, or liquor covered by the license in a quantity of not more than:

(1) 3 ounces from each offering of beer, and 9 ounces from all offerings in a day;

(2) 1 ounce from each offering of wine, and 4 ounces from all offerings in a day; and

(3) 0.5 ounce from each offering of liquor, and 2.5 ounces from all offerings in a day.

(f) At the end of the day for which the license is valid, the license holder shall dispose of beer, wine, or liquor that remains in a container that was opened for tasting.

(g) The license fee is $50.

§15–1307.

(a) The Board may issue a per diem license of any retail class.

(b) A per diem license authorizes the license holder to exercise any privilege conferred by the class of license at an entertainment event held by a club.

(c) (1) The license shall be in the form that the Board requires.

(2) The applicant shall sign the license.

(d) The license may not be issued to a club more than 12 times in a calendar year.

(e) The fee for the license is $50.

§15–1308.

(a) Instead of issuing individual event licenses, the Board may issue a multiple event license for a particular class of license.

(b) The number of days for which a multiple event license may be used by a single applicant may not exceed 40 per calendar year.

(c) (1) A multiple event license shall be issued:

(i) for one premises only; and

(ii) except as provided in paragraph (2) of this subsection, to the same applicant for all events for which the license is issued.

(2) The Board may:

(i) approve in writing a substitute applicant; and

(ii) before approving a substitute applicant, hold a hearing.

(d) A server who is certified as having completed an alcohol awareness program shall be on the premises for which a multiple event license is issued when alcoholic beverages are served.

(e) (1) The holder of a multiple event license under this section may store alcoholic beverages on the licensed premises between individual licensed events if the alcoholic beverages:

(i) are in a specially identified locked and secured location; and

(ii) are not sold or consumed except during licensed event hours for licensed event purposes.

(2) (i) The license holder shall keep complete and accurate records of all alcoholic beverages purchased and sold on the licensed premises.

(ii) The records shall be:

1. maintained on the licensed premises for 2 years; and

2. available for inspection by authorized personnel of the Comptroller, the Executive Director, and the Board.

(iii) The records shall include a completed pre– and post–inventory of all alcoholic beverages for each individual event.

(3) Authorized personnel of the Comptroller, the Executive Director, and the Board may inspect the premises of the license holder as provided under § 6–202 of this article.

(4) A license holder who violates this subsection is subject to:

(i) for the first offense, a fine of $100; and

(ii) for a subsequent offense, a fine not exceeding $500 and denial of future requests for a license for an individual event or a special multiple event license.

(f) (1) The fee for a multiple event license is:

(i) $250 for not more than 10 events per year;

(ii) $500 for not more than 20 events per year;

(iii) $750 for not more than 30 events per year; and

(iv) $1,000 for not more than 40 events per year.

(2) The Board may not issue a refund if the license holder holds fewer events during the calendar year than the number of events that the license holder is entitled to hold.

§15–1401.

(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) § 4–106 ("Payment of notice expenses");

(3) § 4–108 ("Application form required by Comptroller");

(4) § 4–111 ("Payment of license fees");

(5) § 4–112 ("Disposition of license fees");

(6) § 4–113 ("Refund of license fees"); and

(7) § 4–114 ("Fees for licenses issued for less than 1 year").

(b) Section 4–110 ("Required information on application – Petition of support") of Division I of this article does not apply in the county.

(c) 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"), in addition to §§ 15–1402 through 15–1405 of this subtitle;

(2) § 4–109 ("Required information on application — In general"), in addition to § 15–1406 of this subtitle and subject to § 15–1407 of this subtitle;

(3) § 4–103 ("Application on behalf of partnership"), subject to § 15–1407 of this subtitle;

(4) § 4–104 ("Application on behalf of corporation or club"), subject to § 15–1407 of this subtitle; and

(5) § 4–105 ("Application on behalf of limited liability company"), subject to § 15–1407 of this subtitle.

§15–1402.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

§15–1403.

When considering an application for a new license, the Board shall keep all criminal history record information in a sealed envelope available only to the members of the Board and their designees.

§15–1404.

The Board may require an applicant for a license renewal to meet the requirements of § 4–107 of this article.

§15–1405.

The Board shall set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

§15–1406.

(a) (1) An application for a license shall include a statement that:

(i) the applicant is at least 21 years old;

(ii) the applicant will carry on the business authorized by the license for the applicant or for a business entity and not as an agent of another person;

(iii) 1. the applicant will manage the business in person; or

2. if the license is issued to a business entity, an individual who is specified in the application will manage the business;

(iv) the applicant will not sell alcoholic beverages designated under the license to a person under the age of 21 years; and

(v) the applicant consents to the use of evidence discovered during a lawful inspection of the licensed premises as admissible in a prosecution or on a hearing for a revocation, suspension, or restriction of the license.

(2) The applicant shall verify the statements in the application by affidavit made before a notary or other person authorized to administer oaths.

(b) A person who makes a false statement in an application is guilty of the misdemeanor of perjury and on conviction is subject to imprisonment not exceeding 10 years and license revocation.

§15–1407.

(a) At the time an application for an alcoholic beverages license is filed, at least one of the applicants shall be a resident of the State.

(b) The license remains valid only for as long as at least one of the applicants remains a resident of the State.

§15–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–202 ("Authority of local licensing boards");

(2) § 4–205 ("Chain store, supermarket, or discount house");

(3) § 4–206 ("Limitations on retail sales floor space");

(4) § 4–207 ("Licenses issued to minors");

(5) § 4–208 ("Notice of license application required");

(6) § 4–209 ("Hearing");

(7) § 4–211 ("License forms; effective date; expiration");

(8) § 4–212 ("License not property"); and

(9) § 4–213 ("Replacement licenses").

(b) Section 4–214 ("Waiting periods after denial of license applications") of Division I of this article does not apply in the county and is superseded by § 15–1504 of this subtitle.

(c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 15–1502 of this subtitle and Subtitle 13, Part III of this title;

(2) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 15–1502 of this subtitle; and

(3) § 4–210 ("Approval or denial of license application"), in addition to § 15–1503 of this subtitle.

§15–1502.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§15–1503.

Before the Board issues a license, the Board shall consider and determine as suitable:

(1) the moral character and financial responsibility of the applicant;

(2) the appropriateness of the location of the place described in the application, taking into consideration the number of existing licenses; and

(3) the general fitness of the applicant to uphold the public trust.

§15–1504.

(a) If a license application is denied on grounds relating to the suitability of the applicant, the Board may not receive another application from the applicant for any type of license at any premises for 6 months after the denial.

(b) If a license application is denied on grounds relating to the suitability of the location described in the application, the Board may not receive any type of license application for the location for 1 year after the denial.

§15–1505.

A license holder may exchange the license for any other license for the same premises by complying with the application procedures of this title and paying the license fees.

§15–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory");

(2) § 4–303 ("Chain store, supermarket, or discount house");

(3) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(4) § 4–305 ("Filing fee and endorsement").

(b) Section 4–306 ("Substitution of names of officers on license") of Division I of this article applies in the county, subject to § 15–1702 of this subtitle.

§15–1702.

(a) Subject to subsection (b) of this section, if a holder of a license for the use of a business or club wishes to substitute on the license the name of an officer of the business or club, the license holder may file a petition for substitution with the Board instead of filing an application for transfer of the license.

(b) The Board may approve the petition only if the license holder demonstrates that the substitute officer is fit to engage in the business authorized by this article.

§15–1703.

An applicant for a transfer of a license is subject to a State and national criminal history records check under § 4–107 of this article.

§15–1704.

(a) When considering a transfer of a license, the Board shall keep all criminal history records in a sealed envelope available only to the members of the Board and their designees.

(b) The Board shall set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

§15–1801.

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

§15–1802.

The Board may require an applicant for a license renewal to meet the requirements of § 4–107 of this article.

§15–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–504 ("Employment of underage individuals");

(4) § 4–506 ("Evidence of purchaser's age");

(5) § 4–507 ("Retail delivery of alcoholic beverages"); and

(6) § 4–508 ("Display of license").

(b) Section 4–505 ("Alcohol awareness program") of Division I of this article applies in the county, subject to § 15–1902 of this subtitle.

§15–1902.

(a) (1) The individual certified by an approved alcohol awareness program may be absent from the licensed premises for an emergency if the absence lasts for not more than 2 hours.

(2) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or a suspension or revocation of the license or both.

§15–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, operator, or manager of a premises licensed under this title may not knowingly allow consumption of alcoholic beverages that is prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§15–2002.

(a) A holder of a Class A beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(b) (1) A holder of a Class B beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(2) The license holder may sell beer at a bar or counter on Sunday.

(c) (1) A holder of a Class C beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(2) The license holder may sell beer at a bar or counter on Sunday.

(d) A holder of a 7–day Class D beer license may sell beer on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

§15–2003.

(a) A holder of a 6–day or 7–day Class A beer and wine license may sell beer and wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(b) Reserved.

(c) A holder of a Class C beer and wine license may sell beer and wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer and wine license may sell beer and wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(e) A holder of a Class H beer and wine license may sell beer and wine on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

§15–2004.

(a) (1) A holder of a 6–day or 7–day Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(2) On Sunday, a holder of a 7–day Class A beer, wine, and liquor license may sell for off–premises consumption:

(i) beer and wine, from 8 a.m. to midnight; and

(ii) liquor, from 1 p.m. to midnight.

(b) (1) A holder of a 6–day or 7–day Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday from 6 a.m. to 2 a.m. the following day.

(2) The holder of a 7–day Class B beer, wine, and liquor license may sell beer, wine, and liquor from a bar or counter on Sunday.

(c) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(2) The license holder may sell beer, wine, and liquor at a bar or counter on Sunday.

(d) A holder of a 6–day or 7–day Class D beer, wine, and liquor license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

§15–2005.

(a) Except as provided in subsections (b) and (c) of this section, a holder of a license that allows the sale of alcoholic beverages for on–premises consumption may sell the alcoholic beverages allowed by the license from 2 p.m. on December 31 to midnight on January 1, no matter what days of the week December 31 and January 1 fall on.

(b) A holder of a license that allows the sale of alcoholic beverages for on–premises consumption may sell alcoholic beverages in accordance with the hours authorized by the license if the hours specified for December 31 and January 1 under subsection (a) of this section are more restrictive than the regular hours.

(c) A holder of a Class B or Class D license that allows beer sales for off–premises consumption may sell beer on December 31 and January 1 in accordance with the privileges granted by the license.

§15–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–603 ("Revocation and suspension procedures");

(3) § 4–604 ("Grounds for revocation or suspension"); and

(4) § 4–606 ("Effects of revocation").

(b) Section 4–605 ("Nudity and sexual displays") of Division I of this article applies in the county, subject to § 15–2102 of this subtitle.

§15–2102.

Notwithstanding the mandatory revocation requirement for local licensing boards under § 4–605(a) of this article, after a finding that an activity listed in § 4–605 of this article has occurred, the Board may decide whether to revoke a license.

§15–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§15–2301.

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4–802 ("Expiration of license on death of license holder");

(2) § 4–804 ("Transfer or reinstatement of license");

(3) § 4–805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4–806 ("Refund").

(b) Section 4–803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 15–2302 of this subtitle.

§15–2302.

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

(i) the surviving spouse;

(ii) the surviving partners for the benefit of the partnership; or

(iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

(i) for the balance of the license year; and

(ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

(1) the surviving spouse;

(2) the surviving partners of a partnership; or

(3) the senior surviving officer of the corporation for the benefit of the corporation.

§15–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§15–2501.

(a) A person may not serve setups, including drinking containers and ice, or serve, provide, keep, or allow to be consumed alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

(1) does not hold a license under this article; and

(2) allows in the establishment any form of sexual display or attire prohibited under § 4–605 of this article.

(b) A person who operates an establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§15–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§15–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–205 ("Peace officers");

(5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(7) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(8) § 6–209 ("Adoption of standards for authorization of consumption"); and

(9) § 6–211 (“Fines and forfeitures”).

(b) Section 6–210 (“State preemption of local disorderly intoxication laws”) of Division I of this article does not apply in the county and is superseded by § 15–2602 of this subtitle.

§15–2602.

The county may:

(1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6–319 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

§15–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

(1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”);

(2) § 6–305 (“Proof of age for sale of alcoholic beverages”);

(3) § 6–306 (“Defense to prosecution for sale to underage individual”);

(4) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”);

(5) § 6–308 (“Allowing on–premises consumption of alcoholic beverages not purchased from license holder”);

(6) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);

(7) § 6–310 (“Providing free food”);

(8) § 6–311 (“Restrictions on purchases and sales by retail dealer”);

(9) § 6–312 (“Beverage misrepresentation”);

(10) § 6–313 (“Tampering with alcoholic beverage container”);

(11) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(12) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(13) § 6–316 ("Maximum alcohol content");

(14) § 6–317 ("Multiple serving purchase required");

(15) § 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder");

(16) § 6–320 ("Disorderly intoxication");

(17) § 6–321 ("Consumption of alcoholic beverages in public");

(18) § 6–323 ("Possession or use of Alcohol Without Liquid machine");

(19) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");

(20) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");

(21) § 6–328 ("Tax evasion");

(22) § 6–329 ("Destruction of evidence"); and

(23) § 6–330 ("Perjury").

(b) Section 6–322 ("Possession of open container") of Division I of this article applies in the county, subject to § 15–2702 of this subtitle.

§15–2702.

An individual may possess an alcoholic beverage in an open container on private property described under § 6–322(a)(1) of this article only if the individual possesses and presents the written consent of the owner of the property.

§15–2703.

(a) A holder of a Class A beer, wine, and liquor license may not allow an individual under the age of 18 years to play pool, billiards, shuffleboard, pinball, a

console machine, or any other game of chance or skill in the licensed establishment unless the individual is accompanied by a parent or legal guardian.

(b) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine or both.

§15–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§15–2802.

(a) The Board may impose a fine not exceeding $2,500 or suspend a license or both for a violation that is a cause for suspension of a license.

(b) A penalty imposed under subsection (a) of this section:

(1) is in addition to and does not limit any other penalty for the same violation; and

(2) is independent of any related court action based on the same violation.

(c) Fines collected under this section shall be paid into the general fund of the county.

§16–101.

(a) In this title:

(1) 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 Carroll County.

(c) "County" means Carroll County.

§16–102.

This title applies only in Carroll County.

§16–103.

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§16–201.

There is a Board of License Commissioners for Carroll County.

§16–202.

(a) The County Commissioners shall appoint three members to the Board.

(b) (1) The term of a regular member is 3 years.

(2) The terms of the regular members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(c) The County Commissioners may remove a member for misconduct in office, incompetence, or willful neglect of duty.

§16–203.

(a) The County Commissioners shall appoint one substitute member to the Board to serve if a regular member is absent or incapacitated.

(b) The County Commissioners shall provide a term of office for the substitute member.

§16–204.

The County Commissioners shall designate a chair from among the regular members of the Board.

§16–205.

(a) The Board shall meet at least once a month.

(b) The County Commissioners shall set:

(1) the annual salaries of the regular members of the Board; and

(2) the salary of the substitute member on a per diem basis.

(c) The Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

§16–206.

The Board may adopt regulations to carry out this article.

§16–301.

There is no liquor control board or department of liquor control in the county.

§16–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–207 ("Class 5 brewery license");

(7) § 2–210 ("Class 8 farm brewery license");

(8) § 2–211 ("Residency requirement");

(9) § 2–212 ("Additional licenses");

(10) § 2–213 ("Additional fees");

(11) § 2–214 ("Sale or delivery restricted");

(12) § 2–216 ("Interaction between manufacturing entities and retailers");

(13) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(14) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2–215 ("Beer sale on credit to retail dealer prohibited") of Division I of this article does not apply in the county.

(c) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

(1) § 2–206 ("Class 4 limited winery license"), subject to § 16–403 of this subtitle;

(2) § 2–208 ("Class 6 pub–brewery license"), subject to § 16–404 of this subtitle; and

(3) § 2–209 ("Class 7 micro–brewery license"), subject to § 16–405 of this subtitle.

§16–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§16–403.

(a) This section applies to a Class 4 limited winery license in the county.

(b) A holder of a Class 4 limited winery license that applies for a Class A wine license under § 16–701 of this title is exempt from any license population quota limitation established under § 16–1601 of this title.

§16–404.

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Section 2–208(d) of this article does not apply in the county.

§16–405.

(a) This section applies to a Class 7 micro–brewery license in the county.

(b) (1) In this subsection, "protected building" means:

(i) an elementary school;

(ii) a secondary school; or

(iii) a church or other place of worship.

(2) Paragraph (3) of this subsection does not apply to a micro–brewery that was in existence on July 1, 1997.

(3) (i) A micro–brewery may not be located within 300 feet of a protected building.

(ii) The distance shall be measured from the nearest point of the building in which the micro–brewery is located to the nearest point of the property line on which the protected building is located.

(4) Notwithstanding paragraph (3) of this subsection, if a micro–brewery was established at its licensed premises before a protected building was established within 300 feet of the micro–brewery, the Executive Director may renew the license of the micro–brewery.

§16–501.

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–301 ("Licenses issued by Comptroller");

(2) § 2–302 ("Class 1 beer, wine, and liquor wholesaler's license");

(3) § 2–303 ("Class 2 wine and liquor wholesaler's license");

(4) § 2–304 ("Class 3 beer and wine wholesaler's license");

(5) § 2–305 ("Class 4 beer wholesaler's license");

(6) § 2–306 ("Class 5 wine wholesaler's license");

(7) § 2–307 ("Class 6 limited wine wholesaler's license");

(8) § 2–308 ("Class 7 limited beer wholesaler's license");

(9) § 2–309 ("Sale and delivery of beer or wine from wholesaler's vehicle");

(10) § 2–310 ("Sale and delivery to retail license holder");

(11) § 2–311 ("Additional wholesaler's licenses");

(12) § 2–312 ("Direct importation of alcoholic beverages");

(13) § 2–313 ("Sale or delivery restricted to holder of license or permit");

(14) § 2–315 ("Interaction between wholesaling entities and retailers");

(15) § 2–316 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

(b) Section 2–314 ("Beer sale on credit to retail dealer prohibited") of Division I of this article does not apply in the county.

§16–502.

Except as provided in § 16–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§16–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§16–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer is sold.

(c) The annual license fee is:

(1) from July 1, 2014, to June 30, 2017, $200; and

(2) beginning on July 1, 2017, $250.

§16–602.

(a) There is a Class B beer license.

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

(c) The annual license fee is $130.

§16–603.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) The annual license fee is $50.

§16–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail:

(i) at the place described in the license for on–premises consumption; and

(ii) at the discretion of the board, for off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is $250.

§16–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $50.

§16–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§16–802.

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

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fee is:

(1) from July 1, 2014, to June 30, 2017, $340; and

(2) beginning on July 1, 2017, $500.

§16–803.

(a) There is:

(1) a Class B beer and wine 6–day license; and

(2) a Class B beer and wine 7–day license.

(b) 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 fees are:

(1) $160 for a 6–day license; and

(2) $1,000 for a 7–day license.

§16–804.

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

(b) The license authorizes the license holder to sell beer and wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is $70.

§16–805.

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

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license:

(1) for on–premises consumption; and

(2) for off–premises consumption at the discretion of the Board.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $250.

§16–901.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) The license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is:

(1) from July 1, 2014, to June 30, 2017, $850; and

(2) beginning on July 1, 2017, $1,000.

§16–902.

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

(b) The Board may issue the license for use by:

(1) a hotel that:

(i) accommodates the public by providing service ordinarily found in hotels;

(ii) has:

1. at least 25 rooms;

2. a lobby with registration and mail desk; and

3. a dining room that serves full–course meals at least twice daily and that has regular seating at tables, including not more than 15 seats at bars or counters, for at least 50 individuals; and

(iii) is operated in facilities that are valued for State and local assessment and taxation at not less than $50,000; or

(2) a restaurant that:

(i) is open for business at least 5 days a week and serves at least:

1. two full–course meals each day it is open from Monday to Friday; and

2. one full–course meal each day it is open on Saturday and Sunday;

(ii) has regular seating at tables, including not more than 15 seats at bars or counters, for at least 50 individuals; and

(iii) is operated in facilities that are valued for State and local assessment and taxation at not less than $50,000.

(c) (1) In this subsection, "premises" means an area:

(i) inside the restaurant where meals are prepared and served; or

(ii) outside the restaurant that is approved in writing by the Board.

(2) The license authorizes the license holder to sell:

(i) beer, wine, and liquor for on–premises consumption;

(ii) beer for off–premises consumption 7 days a week; and

(iii) wine for off–premises consumption 7 days a week if:

1. the area used to prepare and consume food and beverages occupies at least 90% of the square footage of the licensed premises; and

2. the license holder does not sell more than six bottles of wine to an individual at one time.

(d) (1) If a license application is made for a new or improved building, on request by the Board the supervisor of assessments shall assess the building and advise the Board of the valuation of the building for assessment and taxation.

(2) The valuation of the building for assessment and taxation does not affect the renewal or transfer of a Class B license issued before May 1, 1979.

(e) The annual license fee is $1,500.

§16–903.

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

(b) The Board may issue a Class BC license to an applicant that has:

(1) a hotel or restaurant that meets the licensing requirements in § 16–902(c) of this subtitle; or

(2) a Class B hotel or restaurant (on– and off–sale) beer, wine, and liquor license, if the applicant surrenders the Class B license to the Board before being issued the Class BC license.

(c) (1) The license authorizes the license holder to sell:

(i) beer, wine, and liquor 7 days a week at a restaurant or hotel for on–premises consumption;

(ii) beer 7 days a week at a restaurant or hotel for off–premises consumption; and

(iii) beer, wine, and liquor 7 days a week at a catered event held off the restaurant or hotel premises for consumption on the premises of the event.

(2) Either the license holder or the event sponsor shall provide food for consumption at the catered event.

(d) The license holder may sell beer, wine, and liquor during the hours and on the days as set out for a Class B license under § 16–2005 of this title.

(e) The annual license fee is $250 greater than the fee for a Class B hotel or restaurant (on– and off–sale) beer, wine, and liquor license.

§16–904.

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

(b) The Board may issue the license for use by a restaurant that:

(1) serves at least one full–course evening dinner meal at least 5 days a week;

(2) is only open during the time meals are served;

(3) has regular seating at tables, including not more than 15 seats at bars and counters, for at least 50 individuals; and

(4) is operated in facilities valued for State and local assessment and taxation at not less than $50,000.

(c) (1) In this subsection, "premises" means an area:

(i) inside the restaurant where meals are prepared and served; or

(ii) outside the restaurant that is approved in writing by the Board.

(2) The license authorizes the license holder to sell beer, wine, and liquor 7 days a week at a restaurant for consumption:

(i) with meals on the licensed premises; or

(ii) on the licensed premises in accordance with regulations that the Board adopts.

(d) If a license application is made for a new or improved building, on request of the Board the supervisor of assessments shall assess the building and advise the Board of the valuation of the building for assessment and taxation.

(e) The license holder may sell beer, wine, and liquor 7 days a week at a catered event held off the licensed premises for consumption on the premises of the catered event if the license holder:

(1) provides food for consumption at the catered event; and

(2) pays an annual fee of $250 in addition to the annual license fee.

(f) The annual license fee is $2,000.

§16–905.

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

(b) (1) The Board may issue the license for use by a club that:

(i) has a dining room;

(ii) has a regular seating capacity at tables, including not more than 15 seats at bars or counters, for at least 50 individuals; and

(iii) operates in a facility with an assessed real property valuation of at least $20,000.

(2) The license authorizes the license holder to sell beer, wine, and liquor at a club, at the place described in the license, for on–premises consumption.

(c) The annual license fee:

(1) for a club that is a local chapter of a nationally organized nonprofit fraternal or veterans' organization is $1,200; and

(2) for any other club is $1,500.

§16–906.

A Class D beer, wine, and liquor license may not be issued in the county.

§16–1001.

(a) There is a Class C (golf course) beer, wine, and liquor license.

(b) The Board may issue the license for the use of a golf course or organization that:

(1) is open to the public;

(2) is operated for profit;

(3) owns real estate in the county; and

(4) has a golf course with a minimum of nine holes.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for consumption only on the land and in the buildings that are part of the golf course.

(2) A patron need not be seated to be served.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 16–2005 of this title.

(e) The annual license fee is $1,500.

§16–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 16–1102 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 16–1103 of this subtitle.

§16–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The annual permit fees are:

(1) $50 for an applicant whose license has an off–sale privilege; and

(2) $500 for an applicant whose license does not have an off–sale privilege.

§16–1103.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:

(i) $50 for an applicant whose license has an off–sale privilege; and

(ii) $500 for an applicant whose license does not have an off–sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§16–1201.

(a) There is a Class H caterer's beer, wine, and liquor license.

(b) The Board may issue the license to the owner or operator of a catering establishment that has:

(1) one or more banquet rooms suitable for public gatherings; and

(2) food preparation facilities on the premises.

(c) The license authorizes a holder to:

(1) contract with a sponsor of a public or private event to:

(i) provide food and alcoholic beverages; or

(ii) provide food and allow patrons to bring personal alcoholic beverages onto the premises of the license holder for consumption at a catered event; and

(2) sell alcoholic beverages at retail at the premises described in the license for on–premises consumption.

(d) (1) The annual license fee is equal to the fee for a Class B beer, wine, and liquor license as provided in § 16–902 of this title.

(2) The Board may not issue the license before payment of the fee is received by the Board.

(e) A hotel or restaurant that holds a Class B restaurant or hotel beer, wine, and liquor license is not required to obtain a Class H caterer's license if catering is or has been a part of the services provided by the holder of the Class B license.

§16–1202.

(a) There is a Class HC caterer's (on–sale and limited off–sale) beer, wine, and liquor license.

(b) The Board may issue the license to the holder of a Class H caterer's beer, wine, and liquor license.

(c) The license authorizes a holder to:

(1) sell beer, wine, and liquor 7 days a week at a catered event for consumption:

(i) on the licensed premises; or

(ii) on the premises where the catered event is held; and

(2) exercise the privileges of the license only during the hours and on the days authorized for a Class B hotel or restaurant (on– and off–sale) beer, wine, and liquor license.

(d) The license holder shall provide food for consumption at the catered event.

(e) (1) Subject to paragraph (2) of this subsection, in a calendar year the license holder may hold not more than eight events that the license holder sponsors.

(2) An event that the license holder sponsors may be held only at a location and on a date that the Board approves in accordance with regulations that the Board adopts.

(f) The annual license fee is $250 greater than the annual fee for a Class B hotel or restaurant (on– and off–sale) beer, wine, and liquor license.

§16–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(3) § 4–1204 ("Class C per diem beer, wine, and liquor license");

(4) § 4–1206 ("License to dispose of stock");

(5) § 4–1207 ("Temporary move of licensed premises");

(6) § 4–1208 ("Hours and days of sale"); and

(7) § 4–1209 ("Wine permit for fund–raising event").

(b) Section 4–1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 16–1311 of this subtitle.

§16–1304.

(a) There is a beer festival license.

(b) The Board may issue the license to a holder of a retail license, Class 5 brewery license, Class 7 micro–brewery license, or Class 8 farm brewery license.

(c) The license authorizes the holder to display and sell beer.

(d) A license holder shall display and sell beer:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the beer festival.

(e) The Board shall:

(1) choose 1 weekend for the beer festival that does not fall on the dates chosen for the Anne Arundel Beer and Wine Festival, the Cumberland and Shenandoah Valley Wine Festival in Washington County, or the Maryland Wine Festival in Carroll County;

(2) choose a location that is not already licensed; and

(3) ensure that the primary focus of the beer festival is the promotion of Maryland beer.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is $50 for a 1–day or 2–day festival.

(h) The Board shall adopt regulations to carry out this section.

§16–1305.

(a) There is a Maryland Wine Festival (MWF) license.

(b) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.

(c) The license authorizes the holder to display and sell wine that is produced and processed in the State.

(d) A license holder shall display and sell wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the Maryland Wine Festival in Carroll County.

(e) The County Commissioners:

(1) may choose 1 weekend each year during the month of July, August, or September for the Maryland Wine Festival; and

(2) shall choose a location that is not already licensed.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is $200.

(h) The Board shall adopt regulations to carry out this section.

§16–1306.

(a) There is a beer tasting (BT) license.

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

(c) The license authorizes the holder to allow the consumption of beer for tasting if:

(1) the license holder is authorized to sell the beer; and

(2) the consumer is not charged for the beer.

(d) The Board shall regulate:

(1) the quantity of beer served to each individual;

(2) the number of bottles or other containers of beer from which this quantity is served; and

(3) the size of the bottles or other containers.

(e) In addition to the cost of a BW license or BWL license, the annual license fee is $100.

§16–1307.

(a) There is a wine tasting (WT) license.

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

(c) The license authorizes the holder to allow the consumption of wine for tasting if:

(1) the license holder is authorized to sell the wine; and

(2) the consumer is not charged for the wine.

(d) The Board shall regulate:

(1) the quantity of wine served to each individual; and

(2) the number of bottles of wine from which this quantity is served.

(e) In addition to the cost of a BW license or BWL license, the annual license fee is $100.

§16–1308.

(a) There is a liquor tasting license.

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

(c) The license authorizes the holder to allow the consumption of liquor for tasting if:

(1) the license holder is authorized to sell the liquor; and

(2) the consumer is not charged for the liquor.

(d) An individual may consume liquor at a liquor tasting in a quantity of not more than:

(1) one–half ounce from each offering of liquor; and

(2) five offerings in 1 day.

(e) A license is valid for not more than 52 days a year and may be used on consecutive or nonconsecutive days.

(f) The annual license fee is $100.

§16–1308.1.

(a) There is a beer, wine, and liquor (BWL) tasting license.

(b) The Board may issue the license to a holder of a beer, wine, and liquor (BWL) license.

(c) The license authorizes the license holder and the holder of a solicitor's permit to allow the consumption of beer, wine, and liquor for tasting by a customer or an employee of the license holder if:

(1) the license holder is authorized to sell the beer, wine, and liquor; and

(2) the customer or the employee is not charged for the beer, wine, and liquor.

(d) The Board shall regulate:

(1) the quantity of beer served to each individual;

(2) the number of bottles or other containers of beer from which the quantity is served;

(3) the size of the beer bottles or other containers;

(4) the quantity of wine served to each individual; and

(5) the number of bottles of wine from which the quantity is served.

(e) An individual may consume liquor at a liquor tasting in a quantity of not more than:

(1) one–half ounce from each offering of liquor; and

(2) five offerings in 1 day.

(f) A license is valid during business hours.

(g) In addition to the cost of a BWL license, the annual license fee is $150.

§16–1311.

The fee for a Class C per diem beer license, a Class C per diem beer and wine license, or a Class C per diem beer, wine, and liquor license is $50 per day.

§16–1312.

(a) The Board may issue a Class C multiple event beer, wine, and liquor license.

(b) The license authorizes the license holder to exercise any privilege conferred by a Class C beer, wine, and liquor license at an entertainment event held by a county fire department or an arts center on West Main Street in Westminster.

(c) (1) The license shall be in the form that the Board requires.

(2) The applicant shall sign the license.

(d) A fire department or an arts center on West Main Street in Westminster may not be issued a multiple event license more than one time in a calendar year.

(e) The annual fee for the license is:

(1) $125, for not more than 10 events per year;

(2) $250, for not more than 20 events per year;

(3) $375, for not more than 30 events per year;

(4) $500, for not more than 40 events per year; and

(5) $2,000 for 41 or more events per year.

(f) A fire company or an arts center on West Main Street in Westminster that holds a Class C multiple event license is not precluded from obtaining a Class C per diem license under this subtitle.

§16–1401.

(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) § 4–106 ("Payment of notice expenses");

(3) § 4–108 ("Application form required by Comptroller");

(4) § 4–111 ("Payment of license fees");

(5) § 4–113 ("Refund of license fees"); and

(6) § 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) § 4–103 ("Application on behalf of partnership"), subject to § 16–1405 of this subtitle;

(2) § 4–104 ("Application on behalf of corporation or club"), subject to § 16–1405 of this subtitle;

(3) § 4–105 ("Application on behalf of limited liability company"), subject to § 16–1405 of this subtitle;

(4) § 4–107 ("Criminal history records check"), subject to §§ 16–1403 and 16–1404 of this subtitle;

(5) § 4–109 ("Required information on application — In general"), subject to § 16–1405 of this subtitle;

(6) § 4–110 ("Required information on application — Petition of support"), subject to § 16–1405.1 of this subtitle; and

(7) § 4–112 ("Disposition of license fees"), subject to § 16–1406 of this subtitle.

§16–1402.

The Board may charge an administrative fee not exceeding $500 for processing an application for a new license.

§16–1403.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

§16–1404.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

§16–1405.

(a) An individual who is a resident of the State at the time an application for a license is filed meets the residency requirements under §§ 4–103, 4–104, and 4–105 of this article.

(b) The license remains valid only for as long as at least one of the applicants remains a resident of the State.

§16–1405.1.

An application for a license shall include a petition of support signed by at least 10 residents who are owners of real estate and registered voters of the precinct in which the business is to be conducted stating:

(1) the length of time each of the residents has been acquainted with the applicant or, if the applicant is a corporation, acquainted with the individuals making the application; and

(2) that they have examined the application, have good reason to believe that the statements contained in the application are true, and in their judgment the applicant is a suitable person to obtain the license.

§16–1406.

The County Commissioners shall pay 25% of the license fees collected under this title to the municipality where the licensed premises is located.

§16–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–202 ("Authority of local licensing boards");

(2) § 4–204 ("Prohibition against issuing multiple licenses for same premises");

(3) § 4–205 ("Chain store, supermarket, or discount house");

(4) § 4–206 ("Limitations on retail sales floor space");

(5) § 4–207 ("Licenses issued to minors");

(6) § 4–208 ("Notice of license application required");

(7) § 4–210 ("Approval or denial of license application");

(8) § 4–211 ("License forms; effective date; expiration");

(9) § 4–212 ("License not property");

(10) § 4–213 ("Replacement licenses"); and

(11) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to Subtitle 13, Part III of this title; and

(2) § 4–209 ("Hearing"), subject to § 16–1502 of this subtitle.

§16–1502.

The Board is not required to hold a hearing before issuing a special or temporary license if the application is only for a special or temporary license.

§16–1601.

(a) (1) (i) The aggregate number of all Class A beer licenses, beer and wine licenses, and beer, wine, and liquor licenses in each election district may not be more than one for every 5,000 individuals.

(ii) The Board shall determine the population of each election district by using the most recent published population report of the County Planning Commission.

(2) Except as provided in subsection (b) of this section, the Board may not issue a new Class A license if, in the election district in which the license would be located:

(i) the ratio already exceeds one Class A license for every 5,000 individuals; or

(ii) the issuance of the license would cause the ratio to exceed one Class A license for every 5,000 individuals.

(b) Subsection (a) of this section does not apply to:

(1) a winery that applies for a Class A wine license under § 16–1701 of this title; or

(2) the renewal or transfer of a license.

§16–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house");

(2) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(3) § 4–306 ("Substitution of names of officers on license").

(b) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory"), subject to § 16–1702 of this subtitle; and

(2) § 4–305 ("Filing fee and endorsement"), subject to § 16–1703 of this subtitle.

§16–1702.

The Board may not allow the transfer of a license unless the Board is satisfied that all State or local real or personal property taxes owed by the transferor are paid.

§16–1703.

(a) The fee for a transfer of a license is $350, in addition to the costs of publication and notice.

(b) The fee is not refundable.

§16–1801.

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

§16–1802.

The Board may impose a late fee of $50 for each day the application is late, up to a maximum amount of $500.

§16–1803.

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

§16–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 16–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 16–1904 of this subtitle.

§16–1902.

(a) A holder of a Class B license may employ an individual at least 15 years old to perform a task other than one involving selling, serving, or delivering alcoholic beverages.

(b) (1) An individual at least 18 years old may sell, serve, or deliver alcoholic beverages in a restaurant.

(2) A holder of a Class A license may employ an individual at least 18 years old to stock alcoholic beverages and to operate a lottery ticket terminal.

(c) An individual under the age of 21 years may not act as a bartender or in any solely bar–related capacity.

§16–1903.

A license holder may not sell, offer to sell, or dispense alcoholic beverages from a walk–up or drive–through window.

§16–1904.

(a) The holder of a Class B or Class D license or an individual designated by the license holder who is employed in a supervisory capacity shall be:

(1) certified by an approved alcohol awareness program; and

(2) present on the licensed premises during the hours in which alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

(1) for the first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or a suspension or revocation of the license or both.

(c) At least one individual who is listed on the license as a license holder shall maintain a current certificate reflecting the completion of an alcohol awareness program while the individual is listed on the license.

§16–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, operator, or manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§16–2002.

(a) A holder of a Class A beer license may sell or provide beer on Monday through Sunday from 8 a.m. to 11 p.m.

(b) A holder of a Class B beer license may sell or provide beer on Monday through Saturday, from 8 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer license may sell or provide beer on Monday through Saturday from 8 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer license may sell or provide beer on Monday through Saturday from 8 a.m. to 2 a.m. the following day.

§16–2003.

A holder of a Class A wine license may sell wine on Sunday.

§16–2004.

(a) A holder of a Class A beer and wine license may sell or provide beer and wine on Monday through Sunday from 8 a.m. to 11 p.m.

(b) (1) A holder of a 6–day Class B beer and wine license may sell or provide beer and wine for on–premises consumption on Monday through Saturday from 8 a.m. to 2 a.m. the following day.

(2) A holder of a 7–day Class B beer and wine license may sell or provide beer and wine for on–premises consumption:

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

(ii) on Sunday from 8 a.m. to 1 a.m. the following day.

(3) A holder of a 7–day Class B beer and wine license may sell beer and wine for off–premises consumption on Monday through Sunday from 8 a.m. to 11 p.m.

(c) A holder of a Class C beer and wine license may sell or provide beer and wine on Monday through Saturday from 8 a.m. to 2 a.m. the following day.

(d) (1) A holder of a 6–day or 7–day Class D beer and wine license may sell or provide beer and wine on Monday through Saturday from 8 a.m. to 2 a.m. the following day.

(2) A holder of a 7–day Class D beer and wine license may sell or provide beer and wine on Sunday from 8 a.m. to 1 a.m. the following day.

§16–2005.

(a) A holder of a Class A beer, wine, and liquor license may sell or provide beer, wine, and liquor on Monday through Sunday from 8 a.m. to 11 p.m.

(b) A holder of a Class B beer, wine, and liquor license may sell or provide beer, wine, and liquor:

(1) on Monday through Saturday from 8 a.m. to 2 a.m. the following day; and

(2) on Sunday from 8 a.m. to 1 a.m. the following day.

(c) A holder of a Class C beer, wine, and liquor license may sell or provide beer, wine, and liquor:

(1) on Monday through Saturday from 8 a.m. to 2 a.m. the following day; and

(2) on Sunday from 8 a.m. to 1 a.m. the following day.

(d) Reserved.

(e) A holder of a Class H beer, wine, and liquor license may sell or provide beer, wine, and liquor:

(1) on Monday through Saturday from 8 a.m. to 2 a.m. the following day; and

(2) on Sunday from 8 a.m. to 1 a.m. the following day.

§16–2006.

This article does not restrict on January 1:

(1) the sale of alcoholic beverages by a holder of a Class B, Class C, Class H, or per diem license from midnight to 3 a.m.; or

(2) a person from consuming alcoholic beverages from midnight to 3 a.m. on the premises of a holder of a Class B, Class C, Class H, or per diem license.

§16–2007.

A license holder may not allow the consumption of alcoholic beverages on the premises later than 15 minutes after the closing time.

§16–2101.

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

§16–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§16–2301.

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4–802 ("Expiration of license on death of license holder");

(2) § 4–804 ("Transfer or reinstatement of license");

(3) § 4–805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4–806 ("Refund").

(b) Section 4–803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 16–2302 of this subtitle.

§16–2302.

(a) An application for the continuation of the business of a deceased license holder shall be made within 60 days after the death of the license holder.

(b) If the personal representative or special administrator of the estate shows to the satisfaction of the Board that the estate cannot be settled within the 18–month extension period because of litigation, the Board may grant to the personal representative or special administrator additional time for the continuation of the business.

§16–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§16–2402.

(a) Before docketing an action for judicial review under Title 4, Subtitle 9 of this article, the clerk of the circuit court for the county shall:

(1) collect all court costs from the petitioner; and

(2) receive a statement from the clerk of the Board that the costs for getting records and transcripts of proceedings of the hearing before the Board have been paid.

(b) The costs described in subsection (a)(1) of this section may not be assessed against the Board.

§16–2403.

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

§16–2501.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§16–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–205 ("Peace officers");

(5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(7) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(8) § 6–209 ("Adoption of standards for authorization of consumption"); and

(9) § 6–210 ("State preemption of local disorderly intoxication laws").

(b) Section 6–211 ("Fines and forfeitures") of Division I of this article applies in the county, subject to § 16–2603 of this subtitle.

§16–2602.

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

§16–2603.

One–half of each fine imposed in the county shall be distributed as provided under § 7–507 of the Courts Article.

§16–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years");

(2) § 6–305 (“Proof of age for sale of alcoholic beverages”);

(3) § 6–306 (“Defense to prosecution for sale to underage individual”);

(4) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”);

(5) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);

(6) § 6–310 (“Providing free food”);

(7) § 6–311 (“Restrictions on purchases and sales by retail dealer”);

(8) § 6–312 (“Beverage misrepresentation”);

(9) § 6–313 (“Tampering with alcoholic beverage container”);

(10) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);

(11) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);

(12) § 6–316 (“Maximum alcohol content”);

(13) § 6–317 (“Multiple serving purchase required”);

(14) § 6–320 (“Disorderly intoxication”);

(15) § 6–321 (“Consumption of alcoholic beverages in public”);

(16) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(17) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(18) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(19) § 6–328 (“Tax evasion”);

(20) § 6–329 (“Destruction of evidence”); and

(21) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

(1) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder"), subject to § 16–2702 of this subtitle;

(2) § 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder"), subject to § 16–2702 of this subtitle; and

(3) § 6–322 ("Possession of open container"), subject to § 16–2703 of this subtitle.

§16–2702.

Sections 6–308 and 6–319 of this article do not apply to:

(1) a holder of a temporary license; or

(2) an individual consuming alcoholic beverages on the licensed premises of a holder of a temporary license.

§16–2703.

(a) An individual may possess an alcoholic beverage in an open container on private property described under § 6–322(a)(1) of this article only if the individual possesses and presents the written consent of the owner of the property.

(b) In addition to the prohibitions listed in § 6–321 of this article, an individual may not possess in an open container an alcoholic beverage while on a motorcycle located in the places listed in § 6–321 of this article, unless the individual possesses and presents the written consent of the owner of the property.

§16–2704.

(a) In this section, "knowingly" means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

§16–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§16–2802.

The Board may impose a fine not exceeding $2,000 or suspend a license or both for a violation that is a cause for license suspension.

§17–101.

(a) In this title:

(1) except as provided in subsections (d) and (e) 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 Cecil County.

(c) "County" means Cecil County.

(d) The requirements relating to average daily receipts for a hotel under § 1–101 of this article are not applicable to a license issued in the county.

(e) The requirements relating to average daily receipts for a restaurant under § 1–101 of this article are not applicable to a license issued in the county.

§17–102.

This title applies only in Cecil County.

§17–103.

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§17–201.

There is a Board of License Commissioners for Cecil County.

§17–202.

(a) The County Commissioners shall appoint three members to the Board.

(b) Each member of the Board shall be of high moral character and possess a sound reputation for integrity.

(c) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) The County Commissioners may remove a member for misconduct in office, incompetence, or willful neglect of duty.

§17–203.

From among its members, the Board shall designate a chair.

§17–204.

(a) The Board shall meet at least once a month.

(b) (1) (i) The chair of the Board shall receive an annual salary of $3,000.

(ii) Each other member of the Board shall receive an annual salary of $2,500.

(2) (i) The chair and each other member of the Board shall be reimbursed for expenses in accordance with the Standard State Travel Regulations.

(ii) The expenses shall be paid by the county.

(c) Subject to § 17–205 of this subtitle, the Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees**.**

§17–205.

(a) (1) The Board may employ one full–time inspector and as many part–time inspectors as the Board considers necessary.

(2) The employment of the inspectors is subject to the County Personnel Policy and Procedure Manual.

(b) An individual may not accept appointment or continue as an inspector if the individual or a member of the individual's immediate family has a personal or financial interest directly or indirectly in a license or in a premises licensed under this article.

(c) An inspector:

(1) has all the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article; and

(2) may serve a summons under § 17–2603 of this title.

(d) An inspector shall:

(1) investigate all applicants for a license or transfer of a license;

(2) visit and inspect at unannounced times every licensed premises in the county at least once every 90 days;

(3) enforce all alcoholic beverages laws;

(4) investigate all violations of the alcoholic beverages laws and report them to the Board; and

(5) submit monthly reports in writing to the Board of the inspector's activities, setting forth complaints and listing violations that the inspector observed or were reported to the inspector.

(e) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

(f) The salaries and travel expenses of the inspectors shall be established by the County Commissioners using county personnel department regulations and guidelines.

§17–206.

The Board may adopt regulations to carry out this article.

§17–301.

There is no liquor control board or department of liquor control in the county.

§17–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–208 ("Class 6 pub–brewery license");

(9) § 2–210 ("Class 8 farm brewery license");

(10) § 2–211 ("Residency requirement");

(11) § 2–212 ("Additional licenses");

(12) § 2–213 ("Additional fees");

(13) § 2–214 ("Sale or delivery restricted");

(14) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(15) § 2–216 ("Interaction between manufacturing entities and retailers");

(16) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(17) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2–209 ("Class 7 micro–brewery license") applies in the county, subject to § 17–403 of this subtitle.

§17–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§17–403.

(a) A Class 7 micro–brewery license may be issued to the holder of:

(1) a Class B beer, wine, and liquor (on–sale) license, for use on the premises of the restaurant for which the Class B license was issued; or

(2) a Class D beer, wine, and liquor license, for use on the premises for which the Class D license was issued.

(b) The hours and days of sale for the Class 7 micro–brewery license are those established for a Class D license.

(c) For the holder of a Class D beer, wine, and liquor license that also holds a Class 7 micro–brewery license, the Board may determine the required ratio of gross receipts from the sale of food to the gross receipts from the sale of alcoholic beverages.

§17–501.

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

§17–502.

Except as provided in § 17–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§17–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§17–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is $60.

§17–602.

(a) There is a Class B beer license.

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

(c) The annual license fee is $75.

§17–603.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) The annual license fee is $75.

§17–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is $200.

§17–701.

(a) There is a Class A wine license in the county.

(b) (1) The license may be issued to a holder of a Class 4 limited winery license.

(2) A holder of a Class 4 limited winery license that applies for a Class A wine license is exempt from any quota established by the Board concerning the number of licenses in the election district where the winery is located.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $50.

§17–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§17–802.

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

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fee is $75.

§17–803.

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

(b) 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 $90.

§17–804.

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

(b) The license authorizes the license holder to sell beer and wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is $100.

§17–805.

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

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $225.

§17–901.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) The license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is $750.

§17–902.

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

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

(c) The annual license fee is $750.

§17–903.

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

(b) The Board may issue the license for use by a restaurant that has:

(1) a capital investment of at least $450,000 for dining room facilities and kitchen equipment, not including the cost of land, buildings, or a lease; and

(2) seating for at least 100 individuals.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days of sale as set out for a Class BLX beer, wine, and liquor license under § 17–2006(c) of this title.

(e) (1) The annual license fee is $2,500.

(2) There is no additional Sunday fee.

§17–904.

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

(b) The Board may issue the license for use by a club that:

(1) has been incorporated for at least 2 years before the license application is made;

(2) has at least 25 members paying dues of at least $50 per year per member;

(3) maintains sleeping accommodations on the club premises for 25 club members or guests; and

(4) has facilities for preparing and serving food on the club premises to members and guests.

(c) The license authorizes the license holder to sell beer, wine, and liquor at the place described in the license, for on–premises consumption.

(d) The annual license fee is $600.

§17–905.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $750.

§17–1001.

(a) There is a beer, wine, and liquor club or organization license.

(b) (1) The Board may issue a beer, wine, and liquor license for the use of a club or organization that:

(i) owns real property in the county; and

(ii) 1. if a yacht club, has at least 150 members, of which at least 50 members own yachts, boats, or other vessels; or

2. if a local veterans', fraternal, or sororal organization, is associated with a national organization.

(2) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 17–2006 of this title.

(d) The annual license fee is:

(1) $2,000 for a for–profit club or organization; and

(2) $500 for a nonprofit club or organization.

§17–1002.

(a) There is a Class EF (entertainment facility) beer, wine, and liquor license.

(b) (1) The Board may issue a license to an applicant that has a capital investment of at least $35,000,000 in the entertainment facility for which the license is sought, not including real property.

(2) The Board may issue one or more licenses for the same entertainment facility.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor:

(i) by the drink and bottle;

(ii) from one or more outlets in the entertainment facility; and

(iii) for consumption anywhere within the entertainment facility.

(2) The license authorizes the playing of music and dancing.

(d) The license holder may sell and serve beer, wine, and liquor in the entertainment facility during the days and hours that the entertainment facility is open for business.

(e) The annual license fee is $7,500.

§17–1003.

(a) There is a Class GC (golf course) beer, wine, and liquor license.

(b) The Board may issue the license for use by an organization or country club that:

(1) is public or private;

(2) is operated for profit;

(3) owns real estate in the county; and

(4) has a regular or championship golf course with at least 18 holes.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for consumption only on the land and in the buildings, including the clubhouse, that are used for golfing purposes.

(2) A patron need not be seated to be served.

(3) A prohibition on the distance that licensed premises shall be from a structure used as a hospital, house of worship, or school does not apply to the license holder.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 17–2006 of this title.

(e) The annual license fee is $2,000.

§17–1004.

(a) There is a motel–restaurant complex or hotel–restaurant complex license.

(b) The Board may issue the license to a person owning or leasing a motel–restaurant complex or hotel–restaurant complex that has:

(1) a capital investment of at least $1,000,000 in the buildings, not including the land; and

(2) an enclosed dining room that serves full–course meals from menus at least twice daily.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 17–2006 of this title.

(e) The annual license fee is $1,500.

§17–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 17–1102 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 17–1103 of this subtitle.

§17–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license or a Class B license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit begin and end at the same time as those for the underlying license.

(d) Receipts collected under the permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 17–2001 of this title.

(e) The Board shall adopt regulations to carry out this section.

(f) The annual permit fee is $50.

§17–1103.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license or a Class B license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit begin and end at the same time as those for the underlying license.

(d) Receipts collected under the permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 17–2001 of this title.

(e) The Board shall adopt regulations to carry out this section.

(f) (1) Except as provided in paragraph (2) of this subsection, the annual permit fee is $50.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§17–1201.

(a) There is a local caterer's license.

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

(1) a Class B restaurant or hotel beer, wine, and liquor license; or

(2) a Class B restaurant or hotel beer and wine license.

(c) The license authorizes a holder to:

(1) (i) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B restaurant or hotel beer, wine, and liquor license is issued; or

(ii) provide beer and wine at an event that is held off the premises for which the holder's Class B restaurant or hotel beer and wine license is issued; and

(2) exercise the privileges of the license only during the hours and on the days authorized for the holder's Class B license.

(d) The license holder shall provide food for consumption at the catered event.

(e) The annual license fee is $100.

(f) This section does not require a holder of a Class B restaurant or hotel beer, wine, and liquor license or a Class B restaurant or hotel beer and wine license to obtain a local caterer's license for catering on the premises for which the Class B license is issued.

§17–1301.

Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article applies in the county without exception or variation.

§17–1304.

(a) (1) There is a wine festival (WF) license.

(2) The Board may issue not more than three wine festival (WF) licenses.

(b) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 winery license.

(c) The license authorizes the holder to display and sell wine that is distributed in the State.

(d) A license holder shall display and sell wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for a wine festival.

(e) The Board:

(1) may choose for each wine festival 1 weekend each year during June, July, August, or September that does not conflict with the Anne Arundel County Beer and Wine Festival, the Cumberland and Shenandoah Valley Wine Festival, or the Maryland Wine Festival in Carroll County;

(2) shall choose a location that is not already licensed; and

(3) shall ensure that the primary focus of each festival is the promotion of Maryland wine.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is $20.

(h) The Board shall adopt regulations to carry out this section.

§17–1305.

(a) There is a wine tasting (Class T) license.

(b) The license authorizes the holder to hold wine tasting parties and demonstrations.

(c) The license shall be:

(1) issued on a form that the Board requires; and

(2) signed and sworn to by the applicant.

(d) (1) The license issued may be issued to a person not more than four times in a calendar year.

(2) The total number of days that the license is in effect may not exceed four in a calendar year.

(e) The license fee is $25 per day.

§17–1306.

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

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

(c) (1) The license authorizes the holder to allow on–premises consumption of beer, wine, and liquor for tasting.

(2) The license may be issued for a maximum of:

(i) any 26 days in a licensing period;

(ii) any 52 days in a licensing period; or

(iii) an entire licensing period.

(3) If a license holder is issued a license for any 26 days in a licensing period or any 52 days in a licensing period, the license holder shall notify the Board at least 7 days before exercising the privileges of the license.

(d) An individual may consume beer, wine, or liquor covered by the license in a quantity of not more than:

(1) 1 ounce from each offering of beer or wine; and

(2) one–half ounce from each offering of liquor.

(e) In addition to the cost of a Class A or Class B beer, wine, and liquor license, the license fee is:

(1) $125 for a 26–day license;

(2) $200 for a 52–day license; and

(3) $400 for a 1–year license.

§17–1308.

(a) (1) A simple majority of the total number of the members of the Board may act to approve or deny an application for a per diem license:

(i) in a formal meeting, with a quorum present; or

(ii) in accordance with paragraph (2) of this subsection, through oral or written contact by any method by the chair with each member of the Board.

(2) The chair shall make a written record under paragraph (1)(ii) of this subsection of how each member and the chair voted.

(b) The Board may not require the publication of an application for a per diem license as a prerequisite to the issuing of the license.

§17–1309.

(a) The Board may issue a per diem license of any class to a club for use at an entertainment event.

(b) An application shall be:

(1) on a form that the Board requires; and

(2) signed and sworn to by the applicant.

(c) (1) The total number of days for which the license may be used may not exceed four in a calendar year.

(2) The license may not be issued to a club more than four times in a calendar year.

(d) The fee for a license is:

(1) $10 per day for a per diem beer license or per diem beer and wine license; or

(2) $20 per day for a per diem beer, wine, and liquor license.

§17–1310.

(a) The Board may issue to a fire department a multiple event entertainment license of any class for use at an entertainment event held by the fire department.

(b) The license authorizes the holder to exercise any privilege conferred by the respective class of license.

(c) An application submitted under this section shall be:

(1) on a form that the Board requires; and

(2) signed by the applicant.

(d) The fee for the license is:

(1) $120 per year for a beer or beer and wine license; or

(2) $240 per year for a beer, wine, and liquor license.

(e) (1) The license may not be issued to a fire department more than once a year.

(2) The number of days for which the license may be used may not exceed 24 per calendar year.

§17–1401.

(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) § 4–111 ("Payment of license fees");

(10) § 4–112 ("Disposition of license fees");

(11) § 4–113 ("Refund of license fees"); and

(12) § 4–114 ("Fees for licenses issued for less than 1 year").

(b) Section 4–107 ("Criminal history records check") of Division I of this article applies in the county, subject to §§ 17–1402 through 17–1406 of this subtitle.

§17–1402.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

§17–1403.

The Board shall keep all criminal history record information in a sealed envelope available only to the members of the Board and their clerks.

§17–1404.

The hearing for a new applicant and the issuance of a license may not be delayed due to the failure of the Federal Bureau of Investigation to provide the requested criminal history record information by the date of the scheduled hearing.

§17–1405.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

§17–1406.

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

§17–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–202 ("Authority of local licensing boards");

(2) § 4–205 ("Chain store, supermarket, or discount house");

(3) § 4–206 ("Limitations on retail sales floor space");

(4) § 4–207 ("Licenses issued to minors");

(5) § 4–208 ("Notice of license application required");

(6) § 4–209 ("Hearing");

(7) § 4–211 ("License forms; effective date; expiration");

(8) § 4–212 ("License not property");

(9) § 4–213 ("Replacement licenses"); and

(10) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 17–1503 of this subtitle and Subtitle 13, Part III of this title;

(2) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 17–1503 of this subtitle; and

(3) § 4–210 ("Approval or denial of license application"), in addition to § 17–1504 of this subtitle.

§17–1502.

(a) A license holder may apply to the Board to exchange the holder's current license for a license of any other class or type.

(b) The Board shall give a license holder, including a holder of a beer or beer and wine license, who applies for a license exchange under this section the same consideration that the Board gives to any other applicant for a license, including a beer, wine, and liquor license.

(c) Before deciding whether to approve an application for a license exchange, the Board shall:

(1) consider:

(i) the general reputation and character of the applicant;

(ii) the manner in which the applicant conducts and operates the business being licensed; and

(iii) the public necessity for the license for which the application is made; and

(2) require:

(i) an inspection of the premises for which the application is made; and

(ii) the premises to comply with all applicable regulations of the Board.

(d) (1) There is a $1,000 fee to exchange:

(i) any class of beer license for any other class of beer license;

(ii) any class of beer and wine license for any other class of beer and wine license; or

(iii) any class of beer, wine, and liquor license for any other class of beer, wine, and liquor license.

(2) There is a $2,000 fee to exchange:

(i) any class of beer license or beer and wine license for the same class of beer, wine, and liquor license; or

(ii) any class of beer license for any other class of beer and wine license.

(3) There is a $3,000 fee to exchange any class of beer license or beer and wine license for any other class of beer, wine, and liquor license.

(4) The exchange fees required under paragraphs (1), (2), and (3) of this subsection are in addition to the regular annual license fees.

§17–1503.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§17–1504.

(a) The fees for the issuance of a new license are:

(1) $1,000 for any class of beer license;

(2) $2,000 for any class of beer and wine license; and

(3) $3,000 for any class of beer, wine, and liquor license.

(b) The fees required under subsection (a) of this section are in addition to the regular annual fee required under this title.

§17–1601.

(a) (1) Subject to paragraph (2) of this subsection, the Board may not issue a number of licenses that, in the aggregate, exceeds 1 for every 400 registered voters or major fraction in the county, as determined by the current registration of voters.

(2) A Class BLX beer, wine, and liquor restaurant license, Class C club license, motel–restaurant complex license, hotel–restaurant complex license, or Class GC (golf course) beer, wine, and liquor (on–sale) license may not be counted in the computation of the aggregate number of licenses.

(b) The quota shall be computed and applied separately for each election district of the county.

§17–1602.

The Board may not issue any license with an off–sale privilege for use in a business that is intended to be operated as a drive–through sales facility at which alcoholic beverages are:

(1) sold at retail; and

(2) dispensed through a window or door to a purchaser in or on a motor vehicle for off–premises consumption.

§17–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house");

(2) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(3) § 4–305 ("Filing fee and endorsement").

(b) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory"), subject to §§ 17–1702 and 17–1703 of this subtitle; and

(2) § 4–306 ("Substitution of names of officers on license"), subject to § 17–1704 of this subtitle.

§17–1702.

The Board may not transfer an off–sale license for use in a business that is intended to be operated as a drive–through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off–premises consumption.

§17–1703.

(a) On approval by the Board, a holder of a license may transfer the license to other premises in the same election district if the premises for which the license was issued is:

(1) substantially destroyed by fire, explosion, or catastrophe;

(2) taken by condemnation; or

(3) taken by the exercise of the power of eminent domain.

(b) If the license holder does not request a transfer of the license within 6 months after the date of loss, the license shall expire and be available to be issued to an applicant.

§17–1704.

(a) If there is a change in an officer of a corporation or authorized person of a limited liability company, the corporation or limited liability company shall submit a written notice by certified mail to the Board within 30 days after installation of the new officer or authorized person.

(b) A written notice submitted to the Board in accordance with subsection (a) of this section shall be accompanied by:

(1) a $5 fee; and

(2) a sworn statement that includes:

(i) the name and address of each new officer or authorized person;

(ii) the office held by each new officer or authorized person; and

(iii) the name and address of the previous officer or authorized person.

(c) After receiving a written notice provided in accordance with this section, the Board shall issue a revised license listing the current officers or authorized persons.

§17–1801.

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

§17–1802.

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

§17–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 17–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 17–1903 of this subtitle.

§17–1902.

A license holder may employ an individual at least 18 years old to sell, serve, deliver, or otherwise deal with alcoholic beverages.

§17–1903.

(a) A license holder shall ensure that:

(1) each employee in a supervisory capacity and each bartender be certified by an approved alcohol awareness program; and

(2) at least one certified individual be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or suspension or revocation of the license or both.

§17–2001.

In this subtitle, "restaurant" means a business establishment:

(1) that is for the accommodation of the public;

(2) that has a proper and an adequate dining room and sufficient facilities for preparing and serving meals;

(3) that has been approved by the Board; and

(4) whose average of annual receipts from the sale of food comprises at least 25% of the average receipts of the business.

§17–2002.

(a) (1) Unless otherwise provided in this title, an individual may not consume alcoholic beverages in a premises licensed under this title:

(i) from 2 a.m. to 6 a.m. on Monday through Saturday; or

(ii) from 2 a.m. to 8 a.m. on Sunday.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§17–2003.

On Sunday, a license holder may not sell any alcoholic beverage on any licensed premises from 2 a.m. to 8 a.m.

§17–2004.

(a) (1) A holder of a Class A beer license may sell beer:

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

(ii) subject to paragraph (2) of this subsection, on Sunday from 8 a.m. to 2 a.m. the following day.

(2) To sell beer on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of $500.

(b) (1) A holder of a Class B beer license may sell beer:

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

(ii) except as provided in paragraph (4) of this subsection and subject to paragraphs (2) and (3) of this subsection, on Sunday from 8 a.m. to 2 a.m. the following day.

(2) To sell beer on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of $500.

(3) Sales of beer for on–premises consumption may be conducted on Sunday under paragraph (1)(ii) of this subsection only by a licensed restaurant.

(4) The license holder may not sell beer at a bar or counter on Sunday.

(c) (1) A holder of a Class C beer license may sell beer for on–premises consumption:

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

(ii) except as provided in paragraph (2) of this subsection, on Sunday from 8 a.m. to 2 a.m. the following day.

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

(d) (1) A holder of a Class D beer license may sell beer:

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

(ii) subject to paragraphs (2) and (3) of this subsection, on Sunday from 1 p.m. to 10 p.m.

(2) To sell beer on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of $500.

(3) Sales of beer for on–premises consumption may be conducted on Sunday under paragraph (1)(ii) of this subsection only by a licensed restaurant.

§17–2005.

(a) (1) A holder of a Class A beer and wine license may sell beer and wine:

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

(ii) on Sunday, subject to paragraph (2) of this subsection, from 8 a.m. to 2 a.m. the following day.

(2) To sell beer and wine on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of $500.

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

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

(ii) except as provided in paragraph (4) of this subsection and subject to paragraphs (2) and (3) of this subsection, on Sunday from 8 a.m. to 2 a.m. the following day.

(2) To sell beer and wine on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of $500.

(3) Sales of beer and wine for on–premises consumption may be conducted on Sunday under paragraph (1)(ii) of this subsection only by a licensed restaurant.

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

(c) (1) A holder of a Class C beer and wine license may sell beer and wine for on–premises consumption:

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

(ii) except as provided in paragraph (2) of this subsection, on Sunday from 8 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.

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

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

(ii) subject to paragraph (2) of this subsection, on Sunday from 1 p.m. to 2 a.m. the following day.

(2) To sell beer and wine on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of $500.

§17–2006.

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

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

(ii) on Sunday, subject to paragraph (2) of this subsection, from 8 a.m. to 2 a.m. the following day.

(2) To sell beer, wine, and liquor on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of $500.

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

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

(ii) except as provided in paragraph (4) of this subsection and subject to paragraphs (2) and (3) of this subsection, on Sunday from 8 a.m. to 2 a.m. the following day.

(2) To sell beer, wine, and liquor on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of $500.

(3) Sales of beer, wine, and liquor for on–premises consumption may be conducted on Sunday under paragraph (1)(ii) of this subsection only by a licensed restaurant.

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

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

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

(2) on Sunday from 8 a.m. to 2 a.m. the following day, for on–premises consumption.

(d) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor for on–premises consumption:

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

(ii) except as provided in paragraph (2) of this subsection, on Sunday from 8 a.m. to 2 a.m. the following day.

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

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

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

(ii) subject to paragraph (2) of this subsection, on Sunday from 1 p.m. to 2 a.m. the following day.

(2) To sell beer, wine, and liquor on Sunday under paragraph (1)(ii) of this subsection, the license holder shall pay an additional fee of $500.

§17–2007.

(a) This subtitle does not restrict the sale or consumption of alcoholic beverages on a licensed premises:

(1) on January 1, between midnight and 4 a.m.; or

(2) on December 31, when that date falls on a Sunday, between 7 p.m. and 4 a.m. the following day.

(b) When January 1 falls on a Sunday, a person may not sell or consume alcoholic beverages on a licensed premises between 4 a.m. and the appropriate opening hour of sale specified in this subtitle.

§17–2008.

A holder of a Class C beer, beer and wine, or beer, wine, and liquor license may allow the consumption of the alcoholic beverages authorized by the license on Sunday, from 8 a.m. to 2 a.m. the following day.

§17–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–603 ("Revocation and suspension procedures");

(3) § 4–604 ("Grounds for revocation or suspension"); and

(4) § 4–606 ("Effects of revocation").

(b) Section 4–605 ("Nudity and sexual displays") of Division I of this article applies in the county, subject to § 17–2102 of this subtitle.

§17–2102.

In addition to the revocation of license required under § 4–605(a) of this article, if an activity listed in § 4–605 is found to have occurred on the premises for which the license was issued, the license holder, or the employee, entertainer, or patron who performed the activity, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§17–2103.

(a) A license shall be revoked if:

(1) a licensed premises is not open for at least 30 consecutive days on which the license is authorized to be used during 1 year; or

(2) no sale of alcoholic beverages is made during the 30–day period.

(b) If the license holder shows hardship before the revocation, the Board may allow the license holder an additional period not exceeding 1 year before revoking the license.

§17–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§17–2202.

In addition to the conditions stated in Title 4, Subtitle 7 of this article, a license expires in the county if a license holder:

(1) no longer uses the license;

(2) has the intention of terminating the business of the licensed premises; and

(3) has not timely filed:

(i) an application for a transfer to another location or another person under Subtitle 17 of this title; or

(ii) an application for a certificate of permission or a renewal license for continuation of business under Subtitle 18 of this title.

§17–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

§17–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§17–2501.

(a) A public club, room, or other unlicensed establishment, at a location under the control or possession of the establishment, may not:

(1) sell or serve alcoholic beverages to a member or guest;

(2) keep alcoholic beverages for a member or guest;

(3) allow a customer to consume or to be served or given alcoholic beverages from the supplies that the customer has previously purchased or reserved; or

(4) sell, serve, keep, or allow to be consumed setups or other component parts of mixed alcoholic drinks to a member or guest.

(b) A person that operates a business establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person that violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

§17–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§17–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–205 ("Peace officers");

(4) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(5) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(6) § 6–208 ("Regulating possession or consumption of alcohol in public places"); and

(7) § 6–209 ("Adoption of standards for authorization of consumption").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 17–2602 of this subtitle.

(c) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county:

(1) § 6–204 ("Power to summon witnesses"), in addition to § 17–2603 of this subtitle; and

(2) § 6–211 ("Fines and forfeitures"), subject to § 17–2605 of this subtitle.

§17–2602.

The county may:

(1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

§17–2603.

In addition to the sheriff who may serve a summons under § 6–204 of this article, an inspector that the Board employs may serve a summons.

§17–2604.

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

§17–2605.

One–half of each fine imposed in the county shall be distributed as provided under § 7–507 of the Courts Article.

§17–2606.

(a) To protect the public safety and peace when law enforcement officials are present in the county enforcing the laws of other states, an agent, an employee, or a representative of an alcoholic beverages licensing board of another state who enters the county to observe an alcoholic beverage sale:

(1) shall register in person at least 30 days before entry into the county; and

(2) when registering, shall provide:

(i) a written statement setting forth the identity of the registrant;

(ii) the purpose of the entry into the county;

(iii) the make, model, and license number of each vehicle to be used for surveillance activity;

(iv) the names of the premises where surveillance will be conducted; and

(v) the specific time for surveillance of each establishment.

(b) (1) The Sheriff's office shall issue a certificate of registration to each registrant.

(2) A registrant shall keep the certificate in the registrant's possession during all investigative activities.

(c) (1) An individual who fails to register as required by this section may not register for 6 months after being found in violation of this section.

(2) The Board shall suspend the registration of a registrant who violates this section for 6 months.

(d) A person who violates this section when the person is prohibited from registering or when the person's certificate of registration is suspended is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§17–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 ("Maximum alcohol content");

(12) § 6–317 ("Multiple serving purchase required");

(13) § 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder");

(14) § 6–320 (“Disorderly intoxication”);

(15) § 6–321 (“Consumption of alcoholic beverages in public”);

(16) § 6–322 (“Possession of open container”);

(17) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(18) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(19) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(20) § 6–328 (“Tax evasion”);

(21) § 6–329 (“Destruction of evidence”); and

(22) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

(1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 17–2702 of this subtitle; and

(2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 17–2703 of this subtitle.

§17–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§17–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§17–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§17–2802.

(a) The Board may impose a fine not exceeding $1,000 or suspend a license for a violation of this title.

(b) Fines collected under this section shall be paid into the general fund of the county.

(c) If a period of at least 5 years has elapsed since a violation of this title, a subsequent violation shall be considered a first offense.

§18–101.

(a) In this title:

(1) 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 Charles County.

(c) "County" means Charles County.

(d) "Light wine" means wine that contains not more than 15.5% of alcohol by volume.

§18–102.

This title applies only in Charles County.

§18–103.

The County Commissioners may regulate by ordinance the consumption of alcoholic beverages on public property, including buildings, grounds, streets, highways, alleys, sidewalks, and other structures or roads on land in the county owned by:

(1) the county;

(2) the county board of education; or

(3) the State.

§18–104.

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§18–201.

There is a Board of License Commissioners for Charles County.

§18–202.

(a) The County Commissioners shall appoint five members to the Board.

(b) (1) Of the members of the Board:

(i) at least one shall be from each of the County Commissioner districts; and

(ii) one shall be at large.

(2) Each member of the Board shall be a registered voter of the county.

(3) Preferably, at least one member of the Board before being appointed shall have some familiarity or experience with the alcoholic beverages industry.

(c) (1) In this subsection, "direct or indirect interest" means an interest that is proprietary or obtained by a loan, mortgage, or lien or in any other manner.

(2) A member of the Board may not:

(i) have a direct or indirect interest in or on a premises where alcoholic beverages are sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the sale of alcoholic beverages;

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises where alcoholic beverages are sold; or

2. a business wholly or partially devoted to the sale of alcoholic beverages;

(iv) hold any other public office or employment; or

(v) solicit or receive, directly or indirectly, a commission, remuneration, or gift from:

1. a person engaged in the sale of alcoholic beverages or an agent or employee of the person; or

2. a license holder.

(3) A person engaged in the manufacture or sale of alcoholic beverages, an agent or employee of the person, or a license holder may not directly or indirectly offer a commission, remuneration, or gift to:

(i) a member of the Board; or

(ii) someone on behalf of a member of the Board.

(d) (1) The term of a member is 4 years.

(2) A member may not serve more than two consecutive terms.

(3) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(e) The County Commissioners may remove a member for:

(1) a violation of subsection (c) of this section or other misconduct in office;

(2) incompetence; or

(3) willful neglect of duty.

§18–203.

(a) From among its members, the Board annually shall elect a chair.

(b) A member may not serve more than two consecutive terms as chair.

§18–204.

(a) Three members of the Board are a quorum for transacting business.

(b) The Board shall meet at least once a month.

(c) The County Commissioners shall set the salaries of the chair and the other members of the Board.

(d) (1) The Board may:

(i) employ:

1. a secretary;

2. inspectors; and

3. clerical and other assistants as are necessary; and

(ii) set the compensation of the employees.

(2) (i) The County Commissioners shall provide a clerk, counsel, and supplies to the Board as the County Commissioners consider appropriate.

(ii) The County Commissioners may set salaries for the clerk and counsel as the County Commissioners consider appropriate.

§18–205.

The Board may adopt regulations to carry out this article.

§18–301.

There is no liquor control board or department of liquor control in the county.

§18–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–208 ("Class 6 pub–brewery license");

(9) § 2–209 ("Class 7 micro–brewery license");

(10) § 2–210 ("Class 8 farm brewery license");

(11) § 2–211 ("Residency requirement");

(12) § 2–212 ("Additional licenses");

(13) § 2–213 ("Additional fees");

(14) § 2–214 ("Sale or delivery restricted");

(15) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(16) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(17) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2–216 ("Interaction between manufacturing entities and retailers") of Division I of this article applies in the county, subject to § 18–403 of this subtitle.

§18–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§18–403.

(a) Section 2–216(b) of this article does not apply to a holder of a Class 4 limited winery license.

(b) A holder of a Class 4 limited winery license may hold or have a financial interest in one retail license that does not apply to the premises for which a Class 4 limited winery license applies.

§18–501.

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

§18–502.

Except as provided in § 18–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§18–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§18–601.

A Class A beer license may not be issued in the county.

§18–602.

A Class B beer license may not be issued in the county.

§18–603.

A Class C beer license may not be issued in the county.

§18–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) (1) The annual license fee is $240.

(2) In addition to the annual license fee, a license holder shall annually pay:

(i) $200, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

§18–701.

A light wine license may not be issued in the county.

§18–801.

A Class A beer and light wine license may not be issued in the county.

§18–802.

A Class B beer and light wine license may not be issued in the county.

§18–803.

A Class C beer and light wine license may not be issued in the county.

§18–804.

(a) There is a Class D beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) (1) The annual license fee is $340.

(2) A license holder shall pay, in addition to the annual license fee:

(i) $200, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

§18–805.

(a) There is a Class H beer and light wine license.

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

(c) (1) The annual license fee is $340.

(2) A license holder shall pay, in addition to the annual license fee:

(i) $200, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

§18–901.

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

(b) (1) The license authorizes the holder to:

(i) sell beer, wine, and liquor at retail at the place described in the license; and

(ii) serve beer, wine, and liquor for tasting and sampling if:

1. the tasting or sampling is held on the licensed premises; and

2. the holder serves not more than 1 ounce from each serving of beer, wine, or liquor, in a container that holds not more than 4 ounces, to any one individual.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is $960.

§18–902.

(a) There is a Class B–H (hotel) on–sale beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption in a hotel common area, for a premises primarily engaged in the day–to–day rental of hotel rooms.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004(b) of this title.

(d) (1) The annual license fee is $360.

(2) In addition to the annual license fee, a license holder shall yearly pay:

(i) $200, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

§18–903.

(a) There is a Class B–N (nightclub) on–sale beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor for consumption on the premises of a nightclub facility that:

(1) is primarily engaged in selling and serving alcoholic beverages, on a drink–by–drink basis; and

(2) has a seating capacity of more than 100 people, as determined by the State Fire Marshal.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004(b) of this title.

(d) (1) The annual license fee is $610.

(2) In addition to the annual license fee, a license holder shall yearly pay $200 if the license holder provides live entertainment.

§18–904.

(a) There is a Class B–R (restaurant) on–sale beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail for consumption on the premises of a restaurant that:

(1) is primarily engaged in the sale of food and nonalcoholic beverages for on–premises consumption; and

(2) contains a dining room with facilities for preparing and serving meals.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004(b) of this title.

(d) A license holder may not:

(1) establish an area on the premises of the restaurant that is a bar; or

(2) provide live entertainment.

(e) (1) The annual license fee is $360.

(2) In addition to the annual license fee, a license holder shall yearly pay $200 if the license holder provides outdoor table service.

§18–905.

(a) There is a Class B–RB (restaurant/bar) on–sale beer, wine, and liquor license.

(b) The license authorizes the sale and consumption of beer, wine, and liquor on the premises of a restaurant that:

(1) is primarily engaged in the sale of food and nonalcoholic beverages for on–premises consumption;

(2) has a dining room with facilities for preparing and serving meals; and

(3) has a bar, with stools to accommodate customers with or without service of food.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004(b) of this title.

(d) (1) The annual license fee is $460.

(2) In addition to the annual license fee, a license holder shall yearly pay:

(i) $200, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

§18–906.

(a) There is a Class B–T (tavern) on–sale beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor for consumption on the premises of a restaurant or bar that:

(1) is primarily engaged in selling and serving alcoholic beverages, on a drink–by–drink basis; and

(2) has a seating capacity of less than 100 people, as determined by the State Fire Marshal.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004(b) of this title.

(d) (1) The annual license fee is $460.

(2) In addition to the annual license fee, a license holder shall yearly pay:

(i) $200, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

§18–907.

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

(b) (1) The Board may issue the license for use by:

(i) a nonprofit organization; or

(ii) a club composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged.

(2) The nonprofit organization or club for which the license is issued shall:

(i) operate only for the use of its members and guests when accompanied by members; and

(ii) meet in a clubhouse that is used exclusively for its members and guests.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption:

(1) in the clubhouse; or

(2) on property directly contiguous to the clubhouse that is:

(i) owned by the nonprofit organization or club; and

(ii) used exclusively by members and guests for social functions or business of the organization or club.

(d) (1) The annual license fee is $350.

(2) In addition to the annual license fee, a license holder shall annually pay:

(i) $200, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

§18–908.

(a) There are two types of Class D beer, wine, and liquor licenses.

(b) The licenses authorize the license holder to sell at retail at the place described in the license:

(1) beer, wine, and liquor for on– and off–premises consumption; or

(2) beer and wine for on– and off–premises consumption and liquor for off–premises consumption.

(c) The licenses may not be issued for use by a drugstore.

(d) (1) The annual license fees are:

(i) $1,320, for a license to sell beer, wine, and liquor for on– and off–premises consumption; and

(ii) $1,020, for a license to sell beer and wine for on– and off–premises consumption and liquor for off–premises consumption.

(2) In addition to the annual license fee, a license holder shall annually pay:

(i) $200, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

§18–1001.

(a) There is a Class B–Stadium (baseball stadium) beer, wine, and liquor license.

(b) The Board may issue the license to:

(1) the owner of a professional team franchise, whether the franchise is a partnership, corporation, or limited liability company; or

(2) a private concessionaire that is under contract with the county or a professional baseball team franchise.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor on the premises of a baseball stadium owned or operated by the county, excluding any parking areas, to individuals present at a baseball game or other event held at the stadium.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, beer, wine, and liquor shall be served in plastic, paper, or other nonglass containers on the stadium premises.

(ii) Beer, wine, and liquor may be served in glass containers in an enclosed stadium dining area in which patrons are seated.

(3) A patron may consume and carry beer, wine, and liquor anywhere on the stadium premises, excluding any parking areas.

(4) The license holder may not allow an individual to carry alcoholic beverages onto or from the licensed premises.

(d) Except as provided in regulations adopted under subsection (e) of this section, the license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004 of this title.

(e) The Board may adopt regulations relating to:

(1) the manner of serving alcoholic beverages;

(2) the number of outlets authorized to serve alcoholic beverages; and

(3) the hours and days of sale.

(f) The annual license fee is $2,200.

§18–1002.

(a) There is a Class B–B&B (bed and breakfast) beer, wine, and liquor license.

(b) The Board may issue the license for the use of a bed and breakfast that:

(1) has rooms, excluding the resident management quarters, that the public for consideration may use for sleeping accommodations for a specified time;

(2) does not have dining facilities that are open to the public; and

(3) meets all other qualifications to hold a license issued by the Board.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption only to a guest:

(i) whose name and address appear on the registry that the bed and breakfast maintains; and

(ii) who is an occupant of a sleeping room in the bed and breakfast.

(2) The license holder may not sell beer, wine, and liquor to an individual who is registered only to obtain alcoholic beverages.

(3) If the licensed premises ends operations as a bed and breakfast, the license is void.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004 of this title.

(e) The annual license fee is:

(1) $25 for a bed and breakfast with five or fewer bedrooms; and

(2) $50 for a bed and breakfast with six or more bedrooms.

§18–1002.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Concessionaire" means a lessee, a sublessee, or any other operator of an establishment that:

(i) engages in the daily sale of beer, wine, and liquor on its premises for consumption anywhere in an entertainment facility; and

(ii) is operated as a concession adjacent to but independent of the entertainment facility.

(3) "Entertainment facility" means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(b) There is an entertainment concessionaire license.

(c) The Board may issue the license to a concessionaire operating in conjunction with an entertainment facility.

(d) (1) The license authorizes:

(i) the license holder to sell beer, wine, and liquor on the premises of the concessionaire for consumption in any part of the licensed premises; and

(ii) the playing of music and dancing on the licensed premises.

(2) Beer, wine, and liquor purchased under the license may be taken into and consumed anywhere in any part of the licensed premises.

(e) The hours for the sale and consumption of alcoholic beverages under the license are the same as the hours of operation for a video lottery facility established under § 9–1A–23 of the State Government Article.

(f) (1) The annual fee for the license is $5,000.

(2) The fee shall be paid on or before May 1 of each year to the Board.

(g) Any penalty or other sanction that is imposed for a violation of a regulation of the Board on the licensed premises of the holder of an entertainment concessionaire license shall apply to the holder of a concessionaire's license who the Board determines to be responsible for the violation.

§18–1002.2.

(a) "Entertainment facility" means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(b) There is an entertainment facility license.

(c) (1) The Board may issue the license for the use of an entertainment facility that contains one or more food service facilities, bars, or lounges that are part of the operation of the entertainment facility.

(2) (i) The license shall be issued to an individual or entity that owns an entertainment facility and holds a license under Title 9, Subtitle 1A of the State Government Article.

(ii) An applicant for the license need not meet any location, voting, or residency requirements.

(d) (1) The license authorizes:

(i) the license holder to sell beer, wine, and liquor in any location of the entertainment facility that is not covered by an entertainment concessionaire license for consumption anywhere on the licensed premises; and

(ii) the playing of music and dancing on the licensed premises.

(2) Beer, wine, and liquor purchased under the license may be taken and consumed anywhere on the licensed premises.

(e) The hours for the sale and consumption of alcoholic beverages under the license are the same as the hours of operation for a video lottery facility established under § 9–1A–23 of the State Government Article.

(f) (1) The annual fee for the license is $15,000.

(2) The fee shall be paid on or before May 1 of each year to the Board.

§18–1004.

(a) In this section, "resort complex" means a parcel or contiguous parcels of land:

(1) of at least 20 acres;

(2) under common ownership; and

(3) with facilities that:

(i) include a venue for golf, waterfront beach activities, or a marina;

(ii) serve the public; and

(iii) resulted in a capital investment of at least $550,000 exclusive of the cost of the land.

(b) There is a resort complex license.

(c) The Board may issue one resort complex license to the person owning or operating a resort complex.

(d) The license authorizes the license holder to sell beer, wine, and liquor from:

(1) one or more outlets in the resort complex that may be consumed in conjunction with the playing of music and dancing at designated locations in the resort complex; and

(2) one designated outlet in the resort complex for off–premises consumption.

(e) A license holder may serve alcoholic beverages:

(1) at one or more outside outlets in the resort complex on Monday through Sunday, from 6 a.m. to midnight;

(2) at one or more inside outlets in the resort complex:

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

(ii) on Sunday, from 6 a.m. to midnight; and

(3) at one designated outlet for off–premises consumption:

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

(ii) on Sunday, from 6 a.m. to midnight.

(f) A resort complex license is exempt from any quota or restriction on off–sale licenses issued for the election district in which the resort complex is located.

(g) (1) Certain areas in a resort complex may be excluded from the portion of the property that is considered to be the licensed premises.

(2) A person other than the resort complex license holder may obtain a different class of license for an area excluded under paragraph (1) of this subsection.

(h) The annual license fees are:

(1) $3,500 for two outlet locations; and

(2) $1,750 for each additional outlet location.

§18–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 18–1102 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 18–1103 of this subtitle.

§18–1101.1.

(a) There is a Class GC (golf course) privilege.

(b) An owner or operator of a public or private golf course has the privilege of selling alcoholic beverages on the golf course if the owner or operator:

(1) holds a Class B, Class BLX, Class C, Class D, Class H, or Entertainment Facility License; and

(2) pays the annual fee of $200 for the privilege.

(c) The Class GC (golf course) privilege expands the licensed premises to include the golf course.

§18–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class C license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The annual permit fees are:

(1) $50 for an applicant whose license has an off–sale privilege; and

(2) $500 for an applicant whose license does not have an off–sale privilege.

§18–1103.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class C license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:

(i) $50 for an applicant whose license has an off–sale privilege; and

(ii) $500 for an applicant whose license does not have an off–sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§18–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1204 ("Class C per diem beer, wine, and liquor license");

(3) § 4–1205(b) ("License fees — Class C per diem beer, wine, and liquor license");

(4) § 4–1206 ("License to dispose of stock");

(5) § 4–1207 ("Temporary move of licensed premises");

(6) § 4–1208 ("Hours and days of sale"); and

(7) § 4–1209 ("Wine permit for fund–raising event").

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

(1) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses"); and

(2) § 4–1205(a) ("License fees — Class C per diem beer and Class C per diem beer and wine licenses").

§18–1304.

(a) In this section, "Festival" means the Charles County Beer and Wine Festival.

(b) There is a Charles County Beer and Wine Festival (CBWF) license.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.

(d) The license authorizes the holder to display and sell:

(1) wine that is:

(i) manufactured and processed in any state; and

(ii) distributed in the State when the license application is filed; and

(2) beer that is brewed by a brewer:

(i) that brews less than 60,000 barrels of beer annually; and

(ii) whose product is distributed in the State when the license application is filed.

(e) A license holder may 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 Festival.

(f) (1) Subject to paragraph (3) of this subsection, the Board may choose 1 weekend, Friday through Sunday inclusive, each year for the Festival.

(2) The Board shall:

(i) choose a location that is not licensed; and

(ii) ensure that the primary focus of the Festival is the promotion of Maryland beer and wine.

(3) The weekend chosen for the Festival may not:

(i) be within 14 days before or after the dates selected for the Maryland Wine Festival in Carroll County; or

(ii) conflict with the dates selected for the:

1. Anne Arundel County Beer and Wine Festival;

2. Baltimore County Wine Festival;

3. Calvert County Wine Festival;

4. Harford County Wine Festival;

5. Howard County Wine Festival;

6. Queen Anne's County Beer and Wine Festival;

7. Maryland Wine Festival in Somerset County;

8. Cumberland and Shenandoah Valley Wine Festival in Washington County; or

9. Worcester County Beer and Wine Festival.

(g) The license holder may hold another license of a different class or nature.

(h) Beer and wine displayed and sold shall be:

(1) invoiced to the license holder by a wholesaler, Class 3 winery, or Class 4 limited winery; and

(2) delivered to the Festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder to:

(1) deliver beer and wine not earlier than 2 days before the effective date of the festival license; and

(2) accept returns not later than 2 days after the expiration date of the festival license.

(j) The Board may set the license fee.

(k) The Board shall adopt regulations to carry out this section.

§18–1307.

(a) There is a Class D per diem beer license.

(b) (1) The Board may issue the license for a religious, fraternal, civic, veterans', charitable, or hospital supporting organization.

(2) Subject to any conditions the Board may impose, the license may be issued for a period not exceeding 10 consecutive days.

(c) The license fee is $45.

§18–1308.

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

(b) (1) The Board may issue a Class C beer, wine, and liquor license for the use of a person holding an entertainment event conducted by a club, a society, or an association at the place described in the license.

(2) The license may be issued for a period not exceeding 7 consecutive days.

(c) The license fee is $25 per day.

§18–1401.

(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) § 4–106 ("Payment of notice expenses");

(4) § 4–108 ("Application form required by Comptroller");

(5) § 4–110 ("Required information on application — Petition of support");

(6) § 4–111 ("Payment of license fees");

(7) § 4–113 ("Refund of license fees"); and

(8) § 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) § 4–104 ("Application on behalf of corporation or club"), subject to § 18–1404 of this subtitle;

(2) § 4–105 ("Application on behalf of limited liability company"), subject to § 18–1404 of this subtitle;

(3) § 4–107 ("Criminal history records check"), subject to §§ 18–1402, 18–1403, 18–1407, and 18–1408 of this subtitle;

(4) § 4–109 ("Required information on application — In general"), subject to § 18–1405 of this subtitle; and

(5) § 4–112 ("Disposition of license fees"), subject to § 18–1410 of this subtitle.

§18–1402.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

§18–1403.

The Board shall keep all criminal history record information in a sealed envelope available only to the members of the Board and their clerks.

§18–1404.

(a) Except as provided in subsection (b) of this section, an applicant for a new license for a corporation or limited liability company shall certify to the Board that the applicant:

(1) is an officer of the corporation or limited liability company;

(2) meets any other qualification for licensing;

(3) owns at least a 20% interest of the stock of the corporation or a 20% interest in the limited liability company; and

(4) will maintain at least 20% of the stock or at least a 20% interest as long as the applicant is the license holder.

(b) The ownership requirement in subsection (a) of this section does not apply to an applicant for a Class BLX license on behalf of a corporation or limited liability company in which:

(1) the stock of the corporation or interest in the limited liability company is authorized for sale by the United States Securities and Exchange Commission; or

(2) a majority of the stock of the corporation or interest in the limited liability company is:

(i) owned or controlled directly or indirectly by one or more corporations or limited liability companies; and

(ii) is authorized for sale by the United States Securities and Exchange Commission.

(c) An applicant for a license for a corporation or limited liability company shall submit to the Board:

(1) an executed copy of the articles of incorporation or articles of organization; and

(2) except as provided in subsection (d) of this section, a schedule that shows:

(i) for each stockholder holding at least 5% of the stock of a corporation, the name, address, and percentage of stock held; or

(ii) for each member holding at least a 5% interest in a limited liability company, the name, address, and percentage of interest held.

(d) The schedule requirement under subsection (c)(2) of this section does not apply if the stock of the corporation or interest in the limited liability company is authorized for sale by the United States Securities and Exchange Commission.

§18–1405.

(a) The application shall include:

(1) a signed statement by the applicant that:

(i) the applicant has not been convicted of a felony; or

(ii) except as provided in subsection (b) of this section, if the application is made on behalf of a corporation, that the applicant and none of the stockholders of that corporation have been convicted of a felony;

(2) a statement that the applicant is at least 21 years old;

(3) a certified statement from the Treasurer of the county that shows the value of the merchandise, fixtures, and inventory, as certified by the State Department of Assessments and Taxation, for the business for which the application is made for the calendar year immediately preceding the year for which the license is to be issued; and

(4) a certified statement from the County Treasurer's Office that shows that no unpaid taxes are due on the merchandise, fixtures, and inventory from the applicant to the county or municipality where the licensed premises is to be located.

(b) The requirement under subsection (a)(1)(ii) of this section does not apply to an applicant for a Class B beer, wine, and liquor (BLX) luxury restaurant license.

§18–1406.

The hearing for a new applicant and the issuance of a license may not be delayed due to the failure of the Federal Bureau of Investigation to provide the requested criminal history records check by the date of the scheduled hearing.

§18–1407.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

§18–1408.

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

§18–1409.

(a) The Board shall charge an application fee for a new license that is:

(1) $200, in addition to any other fee required for a license; and

(2) nonrefundable, whether the application is approved or denied.

(b) The Board shall use the application fee to pay its expenses to process the application.

§18–1410.

(a) The Board of License Commissioners shall remit promptly to the Board of County Commissioners the fees collected and refunds paid under this article.

(b) The Board of County Commissioners shall deposit fees received in accordance with subsection (a) of this section in the general fund of the county.

(c) A person who violates subsection (a) of this section is subject to a fine not exceeding $500.

§18–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–209 ("Hearing");

(5) § 4–211 ("License forms; effective date; expiration");

(6) § 4–212 ("License not property"); and

(7) § 4–213 ("Replacement licenses").

(b) Section 4–208 ("Notice of license application required") of Division I of this article does not apply in the county and is superseded by § 18–1504 of this subtitle.

(c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to § 18–1502 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 18–1503 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 18–1503 of this subtitle and Subtitle 13, Part III of this title;

(4) § 4–210 ("Approval or denial of license application"), subject to § 18–1505 of this subtitle; and

(5) § 4–214 ("Waiting periods after denial of license applications"), subject to § 18–1507 of this subtitle.

§18–1502.

The Board may not issue a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license to a person that holds an out–of–state alcoholic beverages license.

§18–1503.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and light wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§18–1504.

(a) Before the Board may approve an application for a license, the Board shall publish notice of the application two times in 2 successive weeks in one newspaper of general circulation in the county.

(b) (1) An applicant for a new license or an upgrade of an existing license shall post the notice in a conspicuous place in the location described in the application for 20 consecutive days before the application hearing.

(2) The Board shall supply the applicant with the notice on a sign that measures at least 24 by 36 inches and includes:

(i) the class of license for which the application is made;

(ii) the name and trade name of the applicant;

(iii) the date, time, and location of the application hearing; and

(iv) contact information for the applicant.

(3) An applicant shall pay to the Board a one–time posting fee of $35 for a new license or an upgrade of an existing license.

(c) If the location described in the application is under construction or renovation or is not easily accessible to the public, the applicant shall post an additional notice on the perimeter of the location that is easily accessible to the public, such as:

(1) the entrance to the location;

(2) a driveway to the location; or

(3) the curb of the location.

(d) The Board may hold a hearing and act on the license application without full compliance with the posting requirements under this section if the applicant demonstrates by a preponderance of the evidence that the applicant substantially complied.

§18–1505.

In a hearing on an application or a protest, the general reputation of the following is admissible:

(1) the applicant or license holder;

(2) the location described in the application; and

(3) the persons who congregate at the location described in the application.

§18–1506.

(a) The Board may:

(1) give tentative approval to issuing a license for an establishment that is not completed, based on plans and specifications that accompany the application; and

(2) issue the license when construction is completed in accordance with the plans and specifications.

(b) This section does not apply to the renewal or transfer of a license issued before May 1, 2014.

§18–1507.

The waiting periods specified in § 4–214(a) of this article do not apply if the grounds for the denials were that:

(1) the license was not necessary to accommodate the public;

(2) under the license, the premises would not be suitable for the sale of alcoholic beverages; or

(3) the Board determined the applicant not to be a proper license holder.

§18–1601.

(a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, the Board may not issue more than one of any license with an off–sale privilege for every 1,350 residents in an election district in the county, as determined by the latest federal census.

(ii) In the sixth election district, the Board may not issue more than one of any license with an off–sale privilege for every 2,700 residents in the election district, as determined by the latest federal census.

(2) The Board may not approve the transfer of a license issued under paragraph (1) of this subsection from one election district to another.

(3) The Board may not issue a new license in an election district unless the issue may be made without exceeding the quotas provided for in paragraph (1) of this subsection.

(b) (1) This section does not require the forfeiture or revocation of a license in effect on October 1, 1992.

(2) In an election district in which a quota established in subsection (a)(1) of this section was exceeded as of October 1, 1992, the total number of licenses may be reduced only:

(i) by the voluntary relinquishment of a license by the license holder;

(ii) by the bankruptcy of the license holder; or

(iii) in accordance with another provision of this article.

(c) (1) Notwithstanding the license quota limitations established in subsection (a) of this section, when a license is relinquished by a license holder or revoked by the Board, the Board may hold the license in abeyance until the earlier of:

(i) the date the Board issues the license to a new license holder; or

(ii) 1 year.

(2) If the Board does not issue the license to a new license holder within 1 year after the date the license is relinquished or revoked the license shall be considered extinguished.

§18–1602.

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license:

(i) with an on–sale privilege, for an establishment that is within 500 feet of a school accredited by the State Board of Education; or

(ii) with an off–sale privilege, for an establishment that is within 1,000 feet of a school accredited by the State Board of Education.

(2) The distance from the establishment to the school is to be measured in a direct line from the nearest wall of the establishment to the property line of the school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) a Class B (on–sale) beer, wine, and liquor license issued for an establishment located in a municipality in the county;

(2) a school that locates its building within 500 feet of an existing licensed premises; or

(3) the renewal or transfer of a license issued before May 1, 2014.

§18–1605.

(a) There is a Class B–BLX (luxury restaurant) on–sale beer, wine, and liquor license.

(b) (1) The Board may issue the license for use by a luxury–type restaurant that has:

(i) a capital investment of at least $550,000 for dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and

(ii) seating for at least 150 individuals.

(2) The license authorizes the on–premises consumption of beer, wine, and liquor.

(c) A person may not have a direct or indirect interest in any combination in more than six Class B–BLX licenses.

(d) An indirect interest is presumed to exist between any combination of persons if any of the following conditions exist between them:

(1) a common parent company;

(2) a franchise agreement;

(3) a licensing agreement;

(4) a concession agreement;

(5) dual membership in a chain of businesses commonly owned and operated;

(6) a sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;

(7) common direct or indirect sharing of profit from the sale of alcoholic beverages; or

(8) a sharing of a common trade name, trademark, logo, or theme, or mode of operation identifiable by the public.

(e) Subject to the requirements of subsection (b) of this section, the Board shall define "luxury–type restaurant" by regulation.

(f) The annual license fee is $2,400.

§18–1606.

(a) A person may not have a direct or indirect interest in more than two of the following licenses in any combination:

(1) Class B–H (hotel) on–sale beer, wine, and liquor licenses issued under § 18–902 of this title;

(2) Class B–R (restaurant) on–sale beer, wine, and liquor licenses issued under § 18–904 of this title; and

(3) Class B–RB (restaurant/bar) on–sale beer, wine, and liquor licenses issued under § 18–905 of this title.

(b) An indirect interest is presumed to exist between any combination of persons if any of the following conditions exist between them:

(1) a common parent company;

(2) a franchise agreement;

(3) a licensing agreement;

(4) a concession agreement;

(5) dual membership in a chain of businesses commonly owned and operated;

(6) a sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;

(7) common direct or indirect sharing of profit from the sale of alcoholic beverages; or

(8) a sharing of a common trade name, trademark, logo, or theme or mode of operation identifiable by the public.

§18–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house");

(2) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(3) § 4–306 ("Substitution of names of officers on license").

(b) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory"), subject to § 18–1702 of this subtitle; and

(2) § 4–305 ("Filing fee and endorsement"), subject to § 18–1703 of this subtitle.

§18–1702.

(a) (1) If a license is to be transferred to a different license holder, the Board shall investigate whether the transferee has a record of criminal convictions and request from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services a State and national criminal history records check.

(2) The Board shall adopt regulations to preserve the confidentiality of the records obtained under paragraph (1) of this subsection.

(b) If a license is to be transferred to a different location, the Board shall consider the existing need for that class of license at the proposed location.

(c) A transfer of a license may not be made unless the Board is presented with:

(1) a certificate from the Treasurer of the county showing the value of the merchandise, fixtures, and inventory, as certified to the county by the State Department of Assessments and Taxation, for the business for which the application is made for the calendar year immediately preceding the year the license is to be issued; and

(2) a certificate from the county or a municipality showing that all real or personal property taxes due the county, the municipality, or the State are paid.

(d) Except by way of renewal, a license may not be transferred to a chain store, supermarket, discount house or its franchisor or franchisee, or concessionaire of any kind.

§18–1703.

(a) Except as provided in subsection (b) of this section, an applicant for a transfer of license for a corporation or limited liability company shall certify to the Board that the applicant:

(1) is an officer of the corporation or limited liability company;

(2) meets any other qualification for licensing;

(3) owns at least a 20% interest of the stock of the corporation or a 20% interest in the limited liability company; and

(4) will maintain at least 20% of the stock or at least a 20% interest as long as the applicant is the license holder.

(b) The ownership requirement in subsection (a) of this section does not apply to an applicant for a transfer of a Class BLX license on behalf of a corporation or limited liability company in which:

(1) the stock of the corporation or interest in the limited liability company is authorized for sale by the United States Securities and Exchange Commission; or

(2) a majority of the stock of the corporation or interest in the limited liability company is:

(i) owned or controlled directly or indirectly by one or more corporations or limited liability companies; and

(ii) authorized for sale by the United States Securities and Exchange Commission.

(c) An applicant for a transfer of a license for a corporation or limited liability company shall submit to the Board:

(1) an executed copy of the articles of incorporation or articles of organization; and

(2) except as provided in subsection (d) of this section, a schedule that shows:

(i) for each stockholder holding at least 5% of the stock of a corporation, the name, address, and percentage of stock held; or

(ii) for each member holding at least a 5% interest in a limited liability company, the name, address, and percentage of interest held.

(d) The schedule requirement under subsection (c)(2) of this section does not apply if the stock of the corporation or interest in the limited liability company is authorized for sale by the United States Securities and Exchange Commission.

§18–1704.

(a) The fee for a transfer of a license is $200, which is nonreturnable.

(b) In addition to the fee required under subsection (a) of this section, an applicant for a transfer of a license shall pay to the Board a onetime posting fee of $35.

§18–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–407 ("Denial of renewal application");

(4) § 4–408 ("Issuance of renewed licenses");

(5) § 4–409 ("Multiple licenses"); and

(6) § 4–410 ("Chain store, supermarket, or discount house").

(b) Section 4–404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 18–1802 of this subtitle.

(c) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county:

(1) § 4–405 ("Contents of renewal application"), subject to § 18–1803 of this subtitle; and

(2) § 4–406 ("Protests"), subject to § 18–1804 of this subtitle.

§18–1802.

(a) To renew a license, the license holder annually shall file an application with the Board on or before March 31.

(b) The Board:

(1) shall accept late renewal applications through the date of the next Board meeting following March 31; and

(2) may fine the license holder $50 for each day the application is late, up to a maximum total of $500 per renewal application.

§18–1803.

The Board may not renew a license unless the license holder presents to the Board certification from the Treasurer of the county showing:

(1) the value of the inventory and personal property, as certified to the county by the State Department of Assessments and Taxation, of the underlying business for the previous calendar year; and

(2) that there are no unpaid taxes due from the applicant to:

(i) the county, a municipality, or a town where the licensed premises is located; and

(ii) the county or the State on the inventory and personal property of the underlying business.

§18–1804.

(a) A protest of a license renewal shall:

(1) specify the basis on which the protest is made; and

(2) be filed under oath.

(b) The Board without a hearing may approve a license renewal that is under protest if the Board finds that the basis of the protest lacks substance.

§18–1805.

Notwithstanding § 18–1502 of this title, the Board may renew a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license originally issued to a holder of an out–of–state alcoholic beverages license.

§18–1806.

Section 18–1506 of this title does not apply to the renewal of a license issued before May 1, 2014.

§18–1807.

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

§18–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 18–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 18–1902.1 of this subtitle.

§18–1902.

(a) An individual at least 18 years old may serve alcoholic beverages in a restaurant in connection with serving a meal.

(b) An individual under the age of 21 years may not act as bartender or in any solely bar–related capacity.

§18–1902.1.

(a) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(1) be certified by an approved alcohol awareness program; and

(2) be present on the licensed premises at all times when alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or a suspension or revocation of the license or both.

§18–1903.

(a) A license holder or agent or employee of the license holder may sell alcoholic beverages only in a room having at least one plain glass window or door that allows an individual standing on the outside to observe the interior of the licensed premises during all hours of operation.

(b) During all hours of operation, the view afforded by the window or door may not be obstructed.

(c) (1) A license holder may install a protective covering over an exterior door or window of the licensed premises if the covering is:

(i) used only when the licensed premises is not occupied;

(ii) designed to protect the licensed premises from unlawful intrusion or destruction; and

(iii) secured only from the exterior of the licensed premises.

(2) This subsection does not prevent an inspection and search of the licensed premises under § 6–202 of this article.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $250 or imprisonment or both.

§18–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, operator, or manager of a licensed premises under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§18–2002.

(a) Reserved.

(b) Reserved.

(c) Reserved.

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

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

(2) on Sunday, from 6 a.m. to midnight.

(e) (1) The part of a premises where alcoholic beverages are sold or displayed may be open only during the hours of sale for alcoholic beverages set out in subsection (d) of this section.

(2) A license holder with an on–sale license shall remove all bottles and containers from the table on or before the closing time set out in subsection (d) of this section.

(f) A license holder may sell nonalcoholic items:

(1) on Monday through Saturday, from 5 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 6 a.m. to midnight.

(g) A person that violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment or a fine not exceeding $250 or both.

§18–2003.

(a) Reserved.

(b) Reserved.

(c) Reserved.

(d) A holder of a Class D beer and light wine license may sell beer and light wine:

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

(2) on Sunday, from 6 a.m. to midnight.

(e) A holder of a Class H beer and light wine license may sell beer and light wine:

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

(2) on Sunday, from 6 a.m. to midnight.

(f) (1) The part of a premises where alcoholic beverages are sold or displayed may be open only during the hours of sale for alcoholic beverages set out in subsections (d) and (e) of this section.

(2) A license holder with an on–sale license shall remove all bottles and containers from the table on or before the closing time set out in subsections (d) and (e) of this section.

(g) A license holder may sell nonalcoholic items:

(1) on Monday through Saturday, from 5 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 6 a.m. to midnight.

(h) A person that violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment or a fine not exceeding $250 or both.

§18–2004.

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor for off–premises consumption:

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

(2) on Sunday, from 6 a.m. to midnight.

(b) A holder of a Class B–BLX (luxury restaurant), B–H (hotel), B–N (nightclub), B–R (restaurant), B–RB (restaurant/bar), or B–T (tavern) beer, wine, and liquor license may sell beer, wine, and liquor:

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

(2) on Sunday, from 6 a.m. to midnight.

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

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

(2) on Sunday, from 6 a.m. to midnight.

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

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

(2) on Sunday, from 6 a.m. to midnight.

(e) (1) The part of a premises where alcoholic beverages are sold or displayed may be open only during the hours of sale for alcoholic beverages set out in subsections (a) through (d) of this section.

(2) A license holder with an on–sale license shall remove all bottles and containers from the table on or before the closing time set out in subsections (a) through (d) of this section.

(f) A license holder may sell nonalcoholic items:

(1) on Monday through Saturday, from 5 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 6 a.m. to midnight.

(g) A person that violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment or a fine not exceeding $250 or both.

§18–2005.

On application, the Board shall issue a special permit authorizing the license holder to stay open on January 1 during hours that are subject to regulations that the Board adopts.

§18–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–603 ("Revocation and suspension procedures");

(3) § 4–604 ("Grounds for revocation or suspension"); and

(4) § 4–605 ("Nudity and sexual displays").

(b) § 4–606 ("Effects of revocation") of Division I of this article applies in the county, subject to § 18–1601(c) of this title.

§18–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§18–2202.

The Board may authorize the closing of a licensed premises for not more than 6 months if:

(1) the Board determines that the licensed premises is seasonally operated; and

(2) the license holder submits a written request to the Board at least 30 days before the anticipated date of closing.

§18–2301.

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4–802 ("Expiration of license on death of license holder");

(2) § 4–804 ("Transfer or reinstatement of license");

(3) § 4–805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4–806 ("Refund").

(b) Section 4–803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 18–2302 of this subtitle.

§18–2302.

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

(i) the surviving spouse;

(ii) the surviving partners for the benefit of the partnership; or

(iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

(i) for the balance of the license year; and

(ii) without further proceedings.

(b) (1) A renewal license may be issued to the following if they are qualified to hold the license:

(i) the surviving spouse;

(ii) the surviving partners of a partnership; or

(iii) the senior surviving officer of a corporation for the benefit of the corporation.

(2) The Board may issue a renewal license under this subsection without a hearing.

§18–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§18–2402.

(a) Before docketing an action for judicial review under Title 4, Subtitle 9 of this article, the clerk of the circuit court for the county shall:

(1) collect all court costs from the petitioner; and

(2) receive a statement from the clerk of the Board that the costs for getting records and transcripts of proceedings of the hearing before the Board have been paid.

(b) The costs described in subsection (a)(1) of this section may not be assessed against the Board.

§18–2403.

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

§18–2501.

(a) Except as provided in subsection (b) of this section, an unlicensed establishment that offers or provides live entertainment may not, at a location under

the control or possession of the establishment, sell, serve, keep, or allow to be consumed:

(1) alcoholic beverages;

(2) setups; or

(3) other component parts of mixed alcoholic drinks.

(b) As long as live entertainment is not offered or provided on more than 8 days in a calendar month, the following are exempted from the prohibitions in subsection (a) of this section:

(1) the room of a registered guest in a hotel or motel;

(2) property owned by a volunteer fire company;

(3) property owned and operated by a community or homeowners association composed only of property owners in a single subdivision; or

(4) property owned by a religious institution.

(c) A person that violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§18–2502.

(a) Alcoholic beverages may not be brought into an establishment and consumed or transferred if the establishment is a place of adult entertainment that provides entertainment listed under § 4–605 of this article.

(b) (1) An operator of a place of adult entertainment that knowingly allows a violation of this section in the establishment is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $5,000 for each violation.

(2) Each day of operation in violation of this section is a separate violation.

§18–2503.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§18–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–205 ("Peace officers");

(5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(7) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(8) § 6–209 ("Adoption of standards for authorization of consumption"); and

(9) § 6–211 ("Fines and forfeitures").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 18–2602 of this subtitle.

§18–2602.

The county may:

(1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

§18–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 ("Maximum alcohol content");

(12) § 6–317 (“Multiple serving purchase required”);

(13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);

(14) § 6–320 (“Disorderly intoxication”);

(15) § 6–321 (“Consumption of alcoholic beverages in public”);

(16) § 6–322 (“Possession of open container”);

(17) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(18) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(19) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(20) § 6–328 (“Tax evasion”);

(21) § 6–329 (“Destruction of evidence”); and

(22) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

(1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 18–2702 of this subtitle; and

(2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 18–2703 of this subtitle.

§18–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) (1) If a license holder or an employee of a license holder violates § 6–304 of this article:

(i) the Board may impose on the license holder:

1. for the first offense, a fine that the Board determines or a suspension of the license not exceeding 3 days or both; and

2. for each subsequent offense, a penalty that the Board determines; and

(ii) the Board may impose on the employee a fine not exceeding $500 for each offense.

(2) When determining the number of days for a suspension of a license for a subsequent offense as provided for in paragraph (1)(i)2 of this subsection, the Board shall consider:

(i) the class of license; and

(ii) the economic impact that the suspension will have on the business, taking into account the total sales of alcoholic beverages of the licensed establishment before the suspension compared to the estimated total sales during the suspension.

(3) A fine imposed under this section shall be imposed subject to § 10–1001 of the State Government Article.

(d) Fines collected under this section shall be paid into the general fund of the county.

(e) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§18–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§18–2704.

(a) In this section, "knowingly" means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

§18–2705.

A retail dealer may not sell or provide a go cup to an individual to consume alcoholic beverages off the licensed premises.

§18–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§18–2802.

(a) (1) Subject to subsection (b) of this section, the Board may impose a fine not exceeding $2,500 or suspend a license or both for a violation of a provision of this article that applies in the county.

(2) The fine shall be imposed subject to § 10–1001 of the State Government Article.

(b) Fines collected under this section shall be paid into the general fund of the county.

§19–101.

(a) In this title:

(1) 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 Dorchester County.

(c) "County" means Dorchester County.

§19–102.

This title applies only in Dorchester County.

§19–103.

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§19–201.

There is a Board of License Commissioners for Dorchester County.

§19–202.

(a) The County Council sits as the Board.

(b) (1) Each member of the County Council may appoint a substitute member to the Board.

(2) The substitute member shall be from the same County Council district as the appointing member of the County Council.

(3) The substitute member serves:

(i) at the will of the appointing member of the County Council; and

(ii) for as long as the appointing member of the County Council remains in office as a member of the County Council.

(4) The substitute member has all the powers and duties of the appointing member of the County Council when acting on the Board.

(c) (1) A member of the Board may not:

(i) have a financial interest, directly or indirectly, in the manufacture of any alcoholic beverage; or

(ii) derive profit or remuneration from the purchase or sale of an alcoholic beverage, other than the salary payable for the performance of the duties of the position required under this section.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $2,000.

§19–203.

(a) (1) (i) The chair of the Board shall receive an annual salary of $3,000.

(ii) Each other member of the Board shall receive an annual salary of $2,500.

(2) Expenses of the Board:

(i) are subject to county personnel policies and rules; and

(ii) shall be provided for in the county budget.

(b) (1) The Board may:

(i) employ and set the compensation of clerical and other assistants as are necessary; and

(ii) with the approval of the County Council:

1. employ an inspector and a recording secretary who shall be employees of the county as provided in the county budget; and

2. appoint legal counsel.

(2) Restrictions applicable to members of the Board under § 19–202(c) of this subtitle shall apply to legal counsel and staff assigned to the Board.

(3) County personnel policies and rules shall apply to:

(i) staff assigned to the Board; and

(ii) staff expenses.

(4) Staff expenses shall be provided for in the county budget.

§19–204.

The inspector assigned to the Board may serve a summons.

§19–205.

The Board may adopt regulations to carry out this title.

§19–301.

There is no liquor control board or department of liquor control in the county.

§19–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 (“Class 9 limited distillery license”);

(4) § 2–204 (“Class 2 rectifying license”);

(5) § 2–205 (“Class 3 winery license”);

(6) § 2–206 (“Class 4 limited winery license”);

(7) § 2–207 (“Class 5 brewery license”);

(8) § 2–210 (“Class 8 farm brewery license”);

(9) § 2–211 (“Residency requirement”);

(10) § 2–212 (“Additional licenses”);

(11) § 2–213 (“Additional fees”);

(12) § 2–214 (“Sale or delivery restricted”);

(13) § 2–215 (“Beer sale on credit to retail dealer prohibited”);

(14) § 2–216 (“Interaction between manufacturing entities and retailers”);

(15) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and

(16) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).

(b) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county:

(1) § 2–208 (“Class 6 pub–brewery license”), subject to § 19–403 of this subtitle; and

(2) § 2–209 (“Class 7 micro–brewery license”), subject to § 19–404 of this subtitle.

§19–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

§19–403.

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Section 2–208(d) of this article does not apply in the county.

(c) A holder of a Class 6 pub–brewery license may sell alcoholic beverages at retail:

(1) Monday through Saturday, from 7 a.m. to 1:45 a.m. the following day; and

(2) Sunday from noon to midnight, except if Christmas Eve or New Year's Eve is on a Sunday, then from noon to 2 a.m. the following day.

(d) (1) The Executive Director may issue to a single applicant one Class 6 pub–brewery license or one Class 7 micro–brewery license, but not both, for a location in an enterprise zone in the county, if the applicant holds no more than three Class B beer, wine, and liquor licenses.

(2) This subsection does not limit the number of Class 6 pub–brewery licenses that the Executive Director may issue in the county.

§19–404.

(a) This section applies to a Class 7 micro–brewery license in the county.

(b) Notwithstanding § 2–209(b) of this article, the license may be issued only to the holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the county; or

(2) a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license located in the county.

(c) (1) The Executive Director may issue to a single applicant one Class 6 pub–brewery license or one Class 7 micro–brewery license, but not both, for a location in an enterprise zone in the county, if the applicant holds no more than three Class B beer, wine, and liquor licenses.

(2) This subsection does not limit the number of Class 7 micro–brewery licenses that the Executive Director may issue in the county.

(d) The hours and days of sale under a Class 7 micro–brewery license are the same as those for a Class D beer license.

§19–501.

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

§19–502.

Except as provided in § 19–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§19–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§19–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is $250.

§19–602.

(a) There is a Class B beer license.

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

(c) The annual license fee is $250.

§19–603.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) The annual license fee is $150.

§19–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is $250.

§19–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $50.

§19–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§19–802.

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

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fee is $350.

§19–803.

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

(b) (1) The license authorizes the license holder to sell beer and wine at a restaurant, at retail, at the place described in the license, for on–premises consumption.

(2) A license issued on or before June 30, 2008, for on– and off–premises consumption, may be renewed but may not be transferred.

(c) The annual license fee is $350.

§19–804.

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

(b) The license authorizes the license holder to sell beer and wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is $250.

§19–805.

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

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $350.

§19–901.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is $2,500.

§19–902.

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

(b) The Board may issue the license for use by a restaurant, motel, or hotel that has a facility:

(1) for serving full–course meals at least twice daily; and

(2) with seating at tables for at least 25 individuals, not including seats at bars or counters.

(c) The license authorizes the license holder to sell beer, wine, and liquor at the place described in the license for on–premises consumption.

(d) The annual license fee is $1,250.

§19–903.

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

(b) The Board may issue the license for use by:

(1) a yacht club and country and golf club that:

(i) has been incorporated for at least 5 years before filing the application for the license;

(ii) has at least 250 members paying dues of at least $10 per year per adult member;

(iii) has facilities for preparing and serving food on the premises to members and guests when accompanied by members; and

(iv) owns or operates a clubhouse that is on the premises and principally used for its members and guests;

(2) a local unit of a nationwide nonprofit organization or club composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged that:

(i) has a charter from a national veterans' organization that was granted at least 5 years before the application for the license was made;

(ii) has at least 50 members paying dues of at least $5 per year per member;

(iii) operates only for the use of its members and guests when accompanied by members; and

(iv) meets in a clubhouse principally used for its members and guests;

(3) a lodge or chapter of a nonprofit and nationwide fraternal organization that:

(i) is composed of inducted members;

(ii) has been operating in the county for at least 5 years before the application for the license was made;

(iii) has at least 125 members paying dues of at least $5 per year per member; and

(iv) owns or operates a home or clubhouse principally for the use of its members and guests when accompanied by members; or

(4) a nonprofit organization operating on the premises located at 200 Byrn Street, Cambridge, known as Governors Hall at Sailwinds Park, so long as an individual or group of individuals does not derive personal profits from the operation of the organization.

(c) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license, for on–premises consumption.

(d) When alcoholic beverages are served at an event open to the public at Governors Hall at Sailwinds Park, the license holder:

(1) may distribute a wristband at the event to each individual who is at least 21 years old; and

(2) if wristbands are distributed at the event, may not serve an alcoholic beverage to an individual who is not wearing a wristband.

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

(2) The Board shall remit the license fee:

(i) if the licensed premises is in a municipality, to the governing body of the municipality; or

(ii) if the licensed premises is not in a municipality, to the Finance Department of the county.

§19–904.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption.

(c) In accordance with § 4–202 of this article, the Board may limit the number of Class D beer, wine, and liquor licenses to be issued.

(d) The license may not be issued for use by a drugstore.

(e) The Board shall adopt regulations to carry out this section.

(f) The annual license fee is $1,500.

§19–1001.

(a) There is an arts beer and wine license.

(b) (1) The Board may issue the license to a nonprofit or for–profit retail business, including an art center, an art gallery, a museum, or a similar business that is primarily devoted to art that expresses matters of serious literary, artistic, scientific, or political value, that:

(i) engages in the display and sale of original artwork; and

(ii) is located in an arts and entertainment district approved by the Department of Commerce.

(2) The Board may not issue the license to a business that displays and sells commercially prepared or mass–produced artistic products.

(3) The license holder may sell or serve beer and wine:

(i) at retail for on–premises consumption when snacks are served; and

(ii) on Monday through Sunday, during normal business hours but not earlier than 10 a.m. and not later than 10 p.m.

(4) The license may not be transferred from the location for which the license was originally issued to another location.

(c) The annual license fee is $250.

(d) The Board may adopt regulations to carry out this section.

§19–1002.

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

(b) The Board may issue the license to a nonprofit or for–profit retail business that hosts weddings, banquets, parties, meetings, and similar events, whether private or open to the public, at a venue that:

(1) is at least 2,000 square feet in size;

(2) can accommodate at least 100 individuals for a single event, whether inside the venue or outside on the venue's premises; and

(3) has adequate bathroom facilities.

(c) (1) The license authorizes the license holder to sell or serve beer, wine, and liquor at retail, by the drink or by the bottle, for on–premises consumption:

(i) during an event hosted by the license holder at the license holder's venue; and

(ii) only if food is also provided during the event.

(2) A license holder may not allow an individual to carry beer, wine, and liquor onto or off the licensed premises.

(d) The license may not be transferred to another location.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 19–2005 of this title.

(f) The annual fee for the license is $1,500.

(g) The Board may adopt regulations to carry out this section.

§19–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 19–1102 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 19–1103 of this subtitle.

§19–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of:

(1) a Class B beer license;

(2) a Class B beer and wine license;

(3) a Class B beer, wine, and liquor license;

(4) a Class D beer license;

(5) a Class D beer and wine license; or

(6) a Class D beer, wine, and liquor license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) In an area of the licensed premises that is accessible to the public, the permit holder may not display or provide shelving for beer for off–premises consumption.

(e) The Board may adopt regulations to carry out this section, including limiting the number of refillable container permits that may be issued in the county.

(f) The annual permit fees are:

(1) $50 for an applicant whose license has an off–sale privilege; and

(2) $500 for an applicant whose license does not have an off–sale privilege.

§19–1103.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of:

(1) a Class B beer license;

(2) a Class B beer and wine license;

(3) a Class B beer, wine, and liquor license;

(4) a Class D beer license;

(5) a Class D beer and wine license; or

(6) a Class D beer, wine, and liquor license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) In an area of the licensed premises that is accessible to the public, the permit holder may not display or provide shelving for beer for off–premises consumption.

(e) The Board may adopt regulations to carry out this section, including limiting the number of nonrefillable container permits that may be issued in the county.

(f) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:

(i) $50 for an applicant whose license has an off–sale privilege; and

(ii) $500 for an applicant whose license does not have an off–sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§19–1201.

(a) There is a Class B caterer's license.

(b) (1) The Board may issue the license to a person to contract with a sponsor of a public or private event to provide food and alcoholic beverages if the person holds:

(i) a Class B restaurant or hotel (on–sale) beer and wine license or beer, wine, and liquor license; and

(ii) a caterer's license issued by the county health department.

(2) The Board is not required to publish an application before issuing the license.

(c) The license authorizes a holder to:

(1) (i) provide beer and wine at an event that is held off the premises for which the holder's Class B beer and wine license is issued; or

(ii) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B beer, wine, and liquor license is issued; and

(2) exercise the privileges of the license only during the hours and on the days authorized for the holder's Class B license.

(d) The license holder shall notify the Board in writing at least 7 days before an event for which the license is to be used.

(e) The license holder:

(1) shall provide food for consumption at the catered event; and

(2) when catering a public event:

(i) shall distribute a wristband to each individual at the catered event who is at least 21 years old; and

(ii) may not serve an alcoholic beverage to an individual who is not wearing the wristband.

(f) The annual license fee is $200.

(g) This section does not require a holder of a Class B restaurant or hotel (on–sale) beer and wine license or beer, wine, and liquor license to obtain a Class B caterer's license for catering on the premises for which the Class B restaurant or hotel license is issued.

§19–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1206 ("License to dispose of stock");

(3) § 4–1207 ("Temporary move of licensed premises");

(4) § 4–1208 ("Hours and days of sale"); and

(5) § 4–1209 ("Wine permit for fund–raising event").

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

(1) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses"), which is superseded by § 19–1309 of this subtitle;

(2) § 4–1204 ("Class C per diem beer, wine, and liquor license"), which is superseded by § 19–1310 of this subtitle; and

(3) § 4–1205 ("License fees"), which is superseded by §§ 19–1309 and 19–1310 of this subtitle.

§19–1304.

(a) In this section, "festival" means a beer and wine festival in Dorchester County.

(b) There is a Dorchester County beer and wine festival (DBWF) license.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, Class 4 limited winery license, Class 6 pub–brewery license, Class 7 micro–brewery license, or Class 8 farm brewery license.

(d) The license authorizes the holder to display and sell:

(1) wine that is:

(i) manufactured and processed in any state; and

(ii) distributed in the State when the license application is filed; and

(2) beer that is brewed by a brewer:

(i) that brews less than 40,000 barrels of beer annually; and

(ii) whose product is distributed in the State when the license application is filed.

(e) 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 festival.

(f) The Board:

(1) (i) may approve more than one festival each year to be held on a weekend, Friday through Sunday inclusive; and

(ii) may not approve more than one festival for any one weekend;

(2) shall approve a location that is not already licensed; and

(3) shall ensure that the primary focus of a festival is the promotion of Maryland beer and wine.

(g) The license holder may hold another license of a different class or nature.

(h) Beer and wine displayed and sold shall be:

(1) invoiced to the license holder by a wholesaler, Class 3 winery, or Class 4 limited winery; and

(2) delivered to a festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder 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 2 days after the expiration date of the license.

(j) The Board may set the license fee.

(k) The Board shall adopt regulations to carry out this section.

§19–1305.

(a) There is a 1–day wine tasting (WT) license.

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

(c) The license authorizes the holder to allow the consumption of wine for tasting if:

(1) the license holder is authorized to sell the wine; and

(2) the consumer is not charged for the wine.

(d) The Board may not require the publication of an application for a WT license before issuing the license.

(e) An individual may consume wine covered by the license in a quantity of not more than:

(1) 1 ounce from each offering; and

(2) 4 ounces from all offerings in a day.

(f) The license fee is $25 per day.

§19–1306.

(a) There is a beer, wine, and liquor tasting (BWLT) license.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to a holder of a Class A license to hold tastings of beer, wine, or liquor.

(2) A license holder may not hold tastings of any alcoholic beverages that the license holder is not authorized to sell under the holder's Class A license.

(c) The license authorizes the holder to allow the consumption of beer, wine, or liquor for tasting if:

(1) the consumer is not charged for the beer, wine, or liquor; and

(2) the beer, wine, or liquor is consumed on the premises of the holder of the Class A license.

(d) (1) An applicant for the license shall submit to the Board an application on a form that the Board provides.

(2) The Board may not require the publication of a license application before issuing the license.

(3) The Board may issue the license without a public hearing.

(4) If an initial license application is denied:

(i) the applicant may resubmit the application; and

(ii) on request from the applicant, the Board shall hold a public hearing on the license application before determining whether to issue the license.

(5) The license holder shall notify the Board in writing at least 7 days before the event at which the license is to be used.

(6) Renewal of the license may be made when the holder's Class A license is renewed.

(e) An individual may consume beer, wine, or liquor covered by the license in a quantity of not more than:

(1) (i) 3 ounces from each offering of beer; and

(ii) 8 ounces from all offerings of beer in 1 day;

(2) (i) 1 ounce from each offering of wine; and

(ii) 4 ounces from all offerings of wine in 1 day; and

(3) (i) 0.5 ounces from each offering of liquor; and

(ii) 1.5 ounces from all offerings of liquor in 1 day.

(f) At the end of the day for which the license is valid, the license holder shall properly dispose of beer, wine, or liquor that remains in a container that was opened for tasting.

(g) The license fee is:

(1) $150 for not more than 15 beer, wine, or liquor tastings per year; or

(2) $250 for not more than 30 beer, wine, or liquor tastings per year.

§19–1309.

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

(b) A holder of a Class C per diem beer license or a Class C per diem beer and wine license:

(1) may cater an event conducted by a club at the place described in the license on the effective days of the license;

(2) shall distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; and

(3) may not serve an alcoholic beverage to any individual who does not wear the wristband.

(c) The fee for a Class C per diem beer license or Class C per diem beer and wine license is $25 per day.

(d) A person who violates this section is subject to:

(1) for a first offense, a fine of $50; and

(2) for a subsequent offense, a fine not exceeding $500 and denial of subsequent requests for a license for catering additional events.

§19–1310.

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

(b) A holder of a Class C per diem beer, wine, and liquor license:

(1) may cater an event conducted by a club at the place described in the license on the effective days of the license;

(2) shall distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; and

(3) may not serve an alcoholic beverage to any individual who does not wear the wristband.

(c) The fee for the license is $35 per day.

(d) A person who violates this section is subject to:

(1) for a first offense, a fine of $50; and

(2) for a second offense, a fine not exceeding $500 and denial of subsequent requests for a license for catering additional events.

§19–1311.

(a) The Board may issue a per diem license of any class that entitles the holder to exercise any of the privileges conferred by that class at an event held by a club.

(b) The license authorizes the holder to cater an event at the place described in the license on the days that the license is in effect.

(c) The Board may not require the publication of an application under this section as a prerequisite to the issuing of the license.

(d) An application for the license shall be:

(1) completed on a form that the Board provides;

(2) signed by the applicant; and

(3) notarized.

(e) The fee is:

(1) $15 per day for a beer license or beer and wine license; or

(2) $25 per day for a beer, wine, and liquor license.

§19–1401.

(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) § 4–111 ("Payment of license fees");

(8) § 4–112 ("Disposition of license fees");

(9) § 4–113 ("Refund of license fees"); and

(10) § 4–114 ("Fees for licenses issued for less than 1 year").

(b) Section 4–110 ("Required information on application — Petition of support") of Division I of this article does not apply in the county.

(c) 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 §§ 19–1403 through 19–1407 of this subtitle; and

(2) § 4–109 ("Required information on application — In general"), subject to § 19–1402 of this subtitle.

§19–1402.

At the time an application for a license is filed, an applicant shall be a resident of the county.

§19–1403.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

§19–1404.

The Board shall keep all criminal history record information in a sealed envelope available only to the members of the Board and their clerks.

§19–1405.

The hearing for a new applicant and the issuance of a license may not be delayed due to the failure of the Federal Bureau of Investigation to provide the requested criminal history records check by the date of the scheduled hearing.

§19–1406.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

§19–1407.

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

§19–1408.

(a) (1) In addition to any other fee required for a license, the Board may charge an application fee for a new license in the amount of:

(i) $150 for an application for a Class A, Class B, Class C, or Class D beer and wine license; and

(ii) $200 for an application for a Class A, Class B, Class C, or Class D beer, wine, and liquor license.

(2) The application fee under this subsection is nonrefundable whether the license is issued or denied.

(3) The application fee does not apply to the renewal or transfer of a license for the same premises.

(b) In addition to any other fee required for a license, the Board may charge a transfer fee of $50 per license transfer.

§19–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–202 ("Authority of local licensing boards");

(2) § 4–205 ("Chain store, supermarket, or discount house");

(3) § 4–206 ("Limitations on retail sales floor space");

(4) § 4–207 ("Licenses issued to minors");

(5) § 4–209 ("Hearing");

(6) § 4–210 ("Approval or denial of license application");

(7) § 4–211 ("License forms; effective date; expiration");

(8) § 4–212 ("License not property");

(9) § 4–213 ("Replacement licenses"); and

(10) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 19–1502 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(2) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 19–1502 of this subtitle and Subtitle 13, Part III of this title; and

(3) § 4–208 ("Notice of license application required"), subject to § 19–1503 of this subtitle.

§19–1502.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§19–1503.

(a) The Board shall post a suitable notice in a conspicuous place on the location described in the application for at least 10 days before the application hearing.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

§19–1601.

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a new license for an establishment that is within 300 feet in a direct line of a place of worship or a public or nonpublic kindergarten, elementary, or secondary school.

(2) The distance from the establishment to the place of worship or the public or nonpublic kindergarten, elementary, or secondary school is to be measured from the establishment in a direct line to the nearest point of the main building of the place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to the issuance of:

(1) a license for a premises that was licensed on October 1, 1996;

(2) a Class B (on–sale) beer, wine, and liquor license for a premises in Cambridge, Secretary, or Hurlock;

(3) a temporary license;

(4) an arts beer and wine license if the Board receives written consent to the issuance of the license from each place of worship or school located within 300 feet in a direct line of the establishment for which the license is sought; or

(5) a venue beer, wine, and liquor license if the Board receives written consent to the issuance of the license from each place of worship or school located within 300 feet in a direct line of the establishment for which the license is sought.

§19–1604.

(a) The Board may issue a Class A beer license, Class A beer and wine license, or Class A beer, wine, and liquor license for a premises licensed under a Class B or Class D license.

(b) The Board may limit the number of Class A beer licenses, Class A beer and wine licenses, and Class A beer, wine, and liquor licenses that the Board issues.

§19–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory");

(2) § 4–303 ("Chain store, supermarket, or discount house");

(3) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(4) § 4–305 ("Filing fee and endorsement").

(b) Section 4–306 ("Substitution of names of officers on license") of Division I of this article does not apply in the county and is superseded by § 19–1702 of this subtitle.

§19–1702.

(a) (1) Subject to paragraph (2) of this subsection, for a license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

(i) has died;

(ii) has retired; or

(iii) no longer holds an office in the corporation or club.

(2) A substitute officer shall be an individual approved by the Board who meets all the requirements applicable to the original officer.

(b) The license holder shall file an affidavit with the Board that contains:

(1) the substitution of the officer; and

(2) an explanation for the substitution.

(c) On receipt of the affidavit and payment of a $5 fee, the Board shall:

(1) amend its records; and

(2) issue a corrected license.

§19–1801.

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

§19–1802.

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

§19–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 19–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 19–1903 of this subtitle.

§19–1902.

A holder of a Class A beer license may employ an individual at least 16 years old to stock beer at the license holder's premises.

§19–1903.

An alcohol awareness program certificate of completion held by an employee or an employee's employer may not be used at more than one licensed establishment.

§19–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises that is licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§19–2002.

(a) Except as provided in § 19–2006 of this subtitle, a holder of a Class A beer license may sell beer on each day of the week, from 6 a.m. to midnight.

(b) A holder of a Class B beer (on–sale) license may sell beer:

(1) on Monday through Saturday, from 6 a.m. to 1:45 a.m. the following day; and

(2) except as provided in § 19–2006 of this subtitle, on Sunday, from noon to midnight.

(c) A holder of a Class C beer (on–sale) license may sell beer:

(1) on Monday through Saturday, from 10 a.m. to 1:45 a.m. the following day; and

(2) except as provided in § 19–2006 of this subtitle, on Sunday, from noon to midnight.

(d) A holder of a Class D beer (on–sale) license may sell beer:

(1) on Monday through Saturday, from 6 a.m. to 1:45 a.m. the following day; and

(2) except as provided in § 19–2006 of this subtitle, on Sunday, from noon to midnight.

§19–2003.

A holder of a Class A wine license may sell wine:

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

(2) except as provided in § 19–2006 of this subtitle, on Sunday, from noon to midnight.

§19–2004.

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

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

(2) except as provided in § 19–2006 of this subtitle, on Sunday, from 6 a.m. to midnight.

(b) A holder of a Class B beer and wine (on–sale and off–sale) license may sell beer and wine:

(1) on Monday through Saturday, from 6 a.m. to 1:45 a.m. the following day; and

(2) except as provided in § 19–2006 of this subtitle, on Sunday from 10 a.m. to midnight.

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

(1) on Monday through Saturday, from 6 a.m. to 1:45 a.m. the following day; and

(2) except as provided in § 19–2006 of this subtitle, on Sunday, from noon to midnight.

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

(1) on Monday through Saturday, from 6 a.m. to 1:45 a.m. the following day; and

(2) except as provided in § 19–2006 of this subtitle, on Sunday from noon to 2 a.m. the following day.

§19–2005.

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

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

(2) except as provided in § 19–2006 of this subtitle, on Sunday, from 6 a.m. to midnight.

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

(1) on Monday through Saturday, from 7 a.m. to 1:45 a.m. the following day; and

(2) except as provided in § 19–2006 of this subtitle, on Sunday, from 10 a.m. to midnight.

(c) A holder of a Class C beer, wine, and liquor (on–sale) license may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 10 a.m. to 1:45 a.m. the following day; and

(2) except as provided in § 19–2006 of this subtitle, on Sunday, from noon to midnight.

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

(1) on Monday through Saturday, from 6 a.m. to 1:45 a.m. the following day; and

(2) except as provided in § 19–2006 of this subtitle, on Sunday, from noon to midnight.

§19–2006.

If December 24 or December 31 is on a Sunday, the hours of sale are:

(1) for beer licenses:

(i) Class A, from 6 a.m. to 2 a.m. the following day; and

(ii) Classes B, C, and D, from noon to 2 a.m. the following day;

(2) for Class A wine licenses, from noon to 2 a.m. the following day;

(3) for beer and wine licenses:

(i) Class A, from 6 a.m. to 2 a.m. the following day;

(ii) Class B, from 10 a.m. to 2 a.m. the following day; and

(iii) Classes C and D, from noon to 2 a.m. the following day; and

(4) for beer, wine, and liquor licenses:

(i) Class A, from 6 a.m. to 2 a.m. the following day; and

(ii) Classes B, C, and D, from noon to 2 a.m. the following day.

§19–2007.

(a) On–premises consumption of alcoholic beverages is allowed:

(1) until 2 a.m. the following day; or

(2) if December 24 or December 31 is on a Sunday, until 3 a.m. December 25 or January 1.

(b) When consumption of alcoholic beverages must end under subsection (a) of this section, all tables and bar areas must be cleared of alcoholic beverages.

§19–2101.

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

§19–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§19–2301.

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4–802 ("Expiration of license on death of license holder");

(2) § 4–804 ("Transfer or reinstatement of license");

(3) § 4–805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4–806 ("Refund").

(b) Section 4–803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 19–2302 of this subtitle.

§19–2302.

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

(i) the surviving spouse;

(ii) the surviving partners for the benefit of the partnership; or

(iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

(i) for the balance of the license year; and

(ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

(1) the surviving spouse;

(2) the surviving partners of a partnership; or

(3) the senior surviving officer of a corporation for the benefit of the corporation.

§19–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§19–2501.

(a) This section does not apply to an establishment for which the Board has:

(1) issued a license; or

(2) approved an application for a waiver of this section.

(b) A person who operates an establishment for profit, including a place of adult entertainment that allows at its location a form of sexual display or attire listed under § 4–605 of this article, may not:

(1) knowingly allow an individual to bring alcoholic beverages for consumption into the establishment; or

(2) sell, serve, keep, or allow to be consumed on the premises of the establishment or at a location under the control of the establishment:

(i) alcoholic beverages;

(ii) setups, including drinking containers and ice; and

(iii) other component parts of mixed alcoholic drinks.

(c) The Board shall adopt regulations to carry out the duties of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§19–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§19–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–205 ("Peace officers");

(4) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(5) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(6) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(7) § 6–209 ("Adoption of standards for authorization of consumption"); and

(8) § 6–210 ("State preemption of local disorderly intoxication laws").

(b) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county:

(1) § 6–204 ("Power to summon witnesses"), in addition to § 19–2602 of this subtitle; and

(2) § 6–211 ("Fines and forfeitures"), subject to § 19–2603 of this subtitle.

§19–2602.

In addition to the sheriff who may serve a summons under § 6–204 of this article, an inspector assigned to the Board may serve a summons.

§19–2603.

One–half of each fine imposed in the county shall be distributed as provided in § 7–507 of the Courts Article.

§19–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 ("Maximum alcohol content");

(12) § 6–317 (“Multiple serving purchase required”);

(13) § 6–320 (“Disorderly intoxication”);

(14) § 6–321 (“Consumption of alcoholic beverages in public”);

(15) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(16) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(17) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(18) § 6–328 (“Tax evasion”);

(19) § 6–329 (“Destruction of evidence”); and

(20) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

(1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 19–2702 of this subtitle;

(2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 19–2703 of this subtitle;

(3) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”), subject to § 19–2704 of this subtitle; and

(4) § 6–322 (“Possession of open container”), subject to § 19–2707 of this subtitle.

§19–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§19–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§19–2704.

(a) A person may not display or consume in a licensed establishment any alcoholic beverage other than those that the license holder of the licensed establishment may sell.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $25.

§19–2705.

An individual under the age of 21 years may not be on the premises for which a Class D (on–sale) beer, wine, and liquor license has been issued.

§19–2706.

(a) A license holder may not allow an individual under the age of 21 years to loiter about the premises for which the license is issued.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100.

§19–2707.

An individual may possess an alcoholic beverage in an open container on private property described under § 6–322(a)(1) of this article only if the individual possesses and presents the written consent of the owner of the property.

§19–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§19–2802.

(a) The Board may impose a fine not exceeding $2,500 or suspend a license or both for a violation that is a cause for suspension of a license.

(b) A penalty imposed under this section:

(1) is in addition to and does not limit any other penalty for the same violation; and

(2) is independent of any court action based on the same violation.

(c) Fines collected under this section shall be paid into the general fund of the county.

§20–101.

(a) In this title:

(1) 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 Frederick County.

(c) "County" means Frederick County.

§20–102.

This title applies only in Frederick County.

§20–103.

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§20–104.

(a) Subject to subsection (b) of this section, to qualify as a restaurant under this title, a restaurant shall have average daily receipts from the sale of food that are at least 40% of the total average daily receipts of the restaurant.

(b) (1) The average daily receipts requirement under subsection (a) of this section expires at 10 p.m.

(2) After 10 p.m., there is no requirement for a restaurant regarding average daily receipts from the sale of food and alcoholic beverages.

§20–201.

There is a Board of License Commissioners for Frederick County.

§20–202.

(a) The Governor shall appoint three members to the Board.

(b) Each member of the Board shall be:

(1) a registered voter of the county during the member's term of office; and

(2) an individual of good moral character and integrity who reasonably reflects the citizenry of the county.

(c) (1) In this subsection, "direct or indirect interest" means an interest that is proprietary or obtained by a loan, mortgage, or lien or in any other manner.

(2) A member of the Board may not:

(i) have a direct or indirect interest in or on a premises where alcoholic beverages are manufactured or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture or sale of alcoholic beverages;

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises where alcoholic beverages are manufactured or sold; or

2. a business wholly or partly devoted to the manufacture or sale of alcoholic beverages;

(iv) hold any other public office or employment; or

(v) solicit or receive, directly or indirectly, a commission, remuneration, or gift from:

1. a person engaged in the manufacture or sale of alcoholic beverages; or

2. a license holder.

(3) A person who violates this subsection is guilty of a misdemeanor and is subject to a fine not exceeding $1,000.

(d) (1) The term of a member is 5 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(e) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(f) (1) The Governor may remove a member for incompetence, misconduct, neglect of a duty required by law, or unprofessional or dishonorable conduct.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

(g) (1) In this subsection, "campaign finance entity" has the meaning stated in § 1–101 of the Election Law Article.

(2) A member, a person acting on behalf of the member, a campaign finance entity of the member, or any other campaign finance entity operated in coordination with the member may not solicit, receive, deposit, or use a contribution while the member is serving on the Board.

(3) A campaign finance entity of the member or any other campaign finance entity operated in coordination with the member may not make an expenditure, except to pay a late filing fee or civil penalty imposed under Title 13 of the Election Law Article, while the member is serving on the Board.

(4) A campaign finance entity of the member or any other campaign finance entity operated in coordination with the member shall pay any outstanding obligations before the member begins serving on the Board.

(5) Not later than 48 hours after opening a campaign account through a campaign finance entity, a member who has established an authorized candidate campaign committee shall vacate the member's position on the Board in accordance with § 5–866 of the General Provisions Article.

§20–203.

From among its members, the Board shall elect a chair.

§20–204.

(a) A majority of the members then serving on the Board is a quorum.

(b) The Board shall meet at least once a month.

(c) (1) (i) The chair of the Board shall receive an annual salary of $7,000.

(ii) Each other member of the Board shall receive an annual salary of $6,500.

(2) The chair and other members of the Board shall be reimbursed for reasonable expenses.

(d) (1) With the approval of the governing body of the county, the chair of the Board may employ the clerical assistants necessary to discharge the duties of the Board.

(2) The salary of the clerical assistants shall be set by the governing body of the county and provided for in the county budget.

(3) The restrictions and penalty under § 20–202(c) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities apply to employees of the Board.

§20–205.

(a) The Board may appoint:

(1) one chief inspector; and

(2) not more than:

(i) one full–time inspector in addition to the chief alcoholic beverages inspector; or

(ii) two part–time inspectors.

(b) To qualify for appointment as an inspector of any type, an individual shall:

(1) be of high moral character; and

(2) possess a sound reputation for sobriety, honesty, and integrity.

(c) (1) An inspector of any type shall:

(i) receive the compensation set by the governing body of the county and provided for in the county budget;

(ii) be reimbursed for reasonable expenses; and

(iii) receive reimbursement for mileage at the standard rate set by the governing body of the county.

(2) Reimbursement for mileage does not include travel to and from the inspector's home and office.

(d) (1) An inspector of any type:

(i) may issue a civil citation as allowed under § 20–2603 of this title; and

(ii) shall:

1. possess the power of a peace officer in the State arising out of or relating to the enforcement of this article;

2. submit monthly reports in writing to the Board of the inspector's activities, setting forth complaints or violations that the inspector observed or that were reported to the inspector;

3. assist the Board to enforce the alcoholic beverages laws; and

4. have any other duties that the Board requires.

(2) The chief inspector shall determine the hours and assignments of all inspectors.

(e) The restrictions and penalty under § 20–202(c) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities apply to full–time and part–time inspectors.

§20–206.

The County Treasurer shall:

(1) receive all the license fees that the Board collects; and

(2) from the fees, pay all the salaries and expenses of the Board.

§20–207.

The Board may adopt regulations to carry out this article.

§20–301.

There is no liquor control board or department of liquor control in the county.

§20–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–203 ("Class 9 limited distillery license");

(3) § 2–204 ("Class 2 rectifying license");

(4) § 2–210 ("Class 8 farm brewery license");

(5) § 2–211 ("Residency requirement");

(6) § 2–212 ("Additional licenses");

(7) § 2–213 ("Additional fees");

(8) § 2–214 ("Sale or delivery restricted");

(9) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(10) § 2–216 ("Interaction between manufacturing entities and retailers");

(11) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(12) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

(1) § 2–202 ("Class 1 distillery license"), subject to §§ 20–402.1 and 20–408 of this subtitle;

(2) § 2–205 ("Class 3 winery license"), subject to § 20–403 of this subtitle;

(3) § 2–206 ("Class 4 limited winery license"), subject to § 20–404 of this subtitle;

(4) § 2–207 ("Class 5 brewery license"), subject to §§ 20–402.1 and 20–407 of this subtitle;

(5) § 2–208 ("Class 6 pub–brewery license"), subject to § 20–405 of this subtitle; and

(6) § 2–209 ("Class 7 micro–brewery license"), subject to § 20–406 of this subtitle.

§20–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§20–402.1.

(a) There is a manufacturer's limited beer, wine, and liquor permit.

(b) The Board may issue the permit to a holder of a manufacturer's license with a local on–site consumption permit under § 2–202 or § 2–207 of this article.

(c) (1) (i) Subject to subparagraph (ii) of this paragraph, the permit authorizes the holder to allow a licensed caterer or other contracted party to provide sealed beer, wine, and liquor products not manufactured by the holder during private events for on–premises consumption at the premises licensed for the manufacturer's license.

(ii) The holder may not have a direct or indirect pecuniary interest in the licensed caterer or other contracted party.

(2) The holder may not allow patrons who are visiting any part of the manufacturer's licensed premises that is open to the public to enter the private event area while the private event is being held.

(d) The holder shall request approval from the Board before each event.

(e) The Board shall adopt regulations to carry out this section, including:

(1) criteria for approving events; and

(2) setting the annual permit fee.

§20–403.

(a) This section applies to a Class 3 winery license in the county.

(b) A holder of the license may sell wine in any election district of the county.

§20–404.

(a) This section applies to a Class 4 limited winery license in the county.

(b) A holder of the license may sell wine in any election district of the county.

(c) A holder of the license may provide tables and chairs on the premises of the plant for the sale, by the glass, of wine and pomace brandy made at the plant to an individual who:

(1) (i) is participating in a guided tour of the plant; or

(ii) is attending a scheduled promotional event or other organized activity at the plant; and

(2) has attained the Maryland legal drinking age.

§20–405.

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Section 2–208(d) of this article does not apply in the county.

§20–406.

(a) This section applies to a Class 7 micro–brewery license in the county.

(b) Notwithstanding § 2–209(b) of this article, the license may be issued only to a holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant in the county; or

(2) a Class MEC license that is issued for use on the premises of the Class MEC license if the premises is located in the Ballenger (23rd) election district.

(c) The license holder is not subject to the manufacturing and licensing prohibitions under § 2–209(e) of this article.

§20–407.

(a) There is a Class DBR license.

(b) The license may be issued to a holder of a Class 5 brewery license.

(c) The license serves as the on–premises consumption permit required under § 2–207(f) and (g) of this article.

(d) The license holder may sell:

(1) food and nonalcoholic beverages; and

(2) beer brewed at the brewery for on– and off–premises consumption to the extent the license holder is allowed under the license holder's Class 5 brewery license.

(e) The Board shall adopt regulations to carry out this section and to set the annual license fee.

§20–408.

(a) There is a Class DDS permit.

(b) The permit may be issued to a holder of a Class 1 distillery license.

(c) The permit serves as the on–premises consumption permit required under § 2–202(e) and (i) of this article.

(d) The permit holder may sell:

(1) food and nonalcoholic beverages; and

(2) brandy, rum, whiskey, alcohol, and neutral spirits that are distilled, rectified, blended, and bottled at the distillery for on– and off–premises consumption to the extent the permit holder is allowed under the license holder's Class 1 distillery license.

(e) The Board shall adopt regulations to carry out this section and to set the annual permit fee.

§20–501.

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

§20–502.

Except as provided in § 20–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§20–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§20–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is $100.

§20–602.

(a) There is a Class B beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on– and off–premises consumption.

(2) (i) This paragraph does not apply to a license holder that held the license on December 31, 1993, or to a person who has a permit for a building that was under construction on that date.

(ii) Except for recreational use premises such as bowling alleys and pool halls, the area normally used as a restaurant for the preparation and consumption of food and beverages on the licensed premises may not occupy less than 80% of the total area of the licensed premises.

(c) The annual license fee is $130.

§20–603.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) The annual license fee is $50.

§20–604.

A Class D beer license may not be issued in the county.

§20–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery that contains not more than 22% of alcohol by volume.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $50.

§20–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§20–802.

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

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) Except as provided in subsection (d) of this section, the license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fee is $140.

(d) (1) The Board may issue the license with a cheese and deli shop wine privilege for use in an establishment that has average daily receipts from the sale of cheese, meats, sandwiches, and other products normally associated with delis that are at least 50% of the total average daily receipts of the establishment.

(2) The privilege authorizes the license holder to sell not more than 5 ounces of wine by the glass for on–premises consumption to a customer while the customer:

(i) purchases items at the cheese and deli shop; or

(ii) attends a fund–raising event at the cheese and deli shop for which the Department of Permits and Inspections, if required, has issued a permit.

(3) The holder of the privilege may sell wine for on–premises consumption during normal business hours, but not later than 9 p.m.

(4) The cheese and deli shop for which the privilege is granted is subject to the alcohol awareness training requirements under § 4–505 of this article, subject to § 20–1903 of this title.

(5) The annual fee for the privilege is $100.

§20–803.

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

(b) 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) (1) This subsection does not apply to:

(i) a license holder licensed on or before December 31, 1993;

(ii) a person who had a permit for a building under construction on December 31, 1993; or

(iii) a recreational establishment, such as a bowling alley or pool hall.

(2) The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverages may not occupy less than 80% of the square footage of the premises.

(d) The annual license fee is $160.

§20–804.

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

(b) The license authorizes the license holder to sell beer and wine to a member of a club and a guest of the member, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is $70.

§20–805.

A Class D beer and wine license may not be issued in the county.

§20–901.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) (1) The annual license fee is $650.

(2) A Sunday permit may be issued for an additional annual fee of $650.

§20–902.

(a) There is a Class B license in the Ballenger (23rd) election district.

(b) The Board may issue the license for use by a luxury–type restaurant that has:

(1) a capital investment of at least $250,000 for dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and

(2) seating for at least 28 individuals.

(c) The license authorizes the sale of beer, wine, and liquor for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 20–2006(d) of this title.

(e) The annual license fee is $1,500.

(f) The Board shall define "luxury–type restaurant" by regulation.

§20–903.

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

(b) The Board may issue the license for use by a hotel or motel that:

(1) is an establishment to accommodate the public by providing services ordinarily found in a hotel or motel;

(2) has at least 15 rooms;

(3) has a dining room with facilities for preparing and serving full–course meals for at least 28 individuals at one seating; and

(4) has a capital investment in the hotel or motel facility of at least $400,000.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the individual drink at any place on the hotel or motel premises.

(2) (i) Subject to subparagraph (ii) of this paragraph, the license authorizes the license holder to sell beer, wine, and liquor by the bottle:

1. at any place on the premises for a banquet, party, hospitality room, meeting, or a similar function; and

2. for dinner in the restaurant portion of the premises.

(ii) A customer may not remove from the premises any contents of a bottle sold under this paragraph that remains unused.

(3) (i) The license authorizes the sale of beer, wine, and liquor by the bottle through room service to a registered patron in a hotel or motel room.

(ii) Not more than two bottles may be sold through room service to any one customer in a 24–hour period.

(iii) A bottle sold through room service may be removed from the premises by the customer on checking out from the hotel or motel.

(d) The Board may issue not more than 10 licenses to the same license holder.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005(b) of this title.

(f) The annual license fee is $2,000.

§20–904.

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

(b) The Board may issue the license for use by a hotel that:

(1) is an establishment for the accommodation of the public providing service ordinarily found in hotels;

(2) contains:

(i) at least 25 rooms;

(ii) a lobby with a registration and mail desk; and

(iii) seating facilities and a dining room that serves full–course meals at least twice daily and that has a regular seating at tables, not including seats at bars or counters, for 28 or more individuals; and

(3) is operated in a facility that:

(i) is valued for State and local assessment and taxation at not less than $20,000; and

(ii) has personal property valued for State and local assessment and taxation at not less than $3,000.

(c) (1) Subject to paragraph (2) of this subsection, the Board may issue the license for use by a restaurant that:

(i) serves full–course meals at least twice daily;

(ii) has regular seating at tables, not including seats at bars or counters, for 28 or more individuals;

(iii) is operated in a facility valued for State and local assessment and taxation at not less than $40,000; and

(iv) has personal property valued for State and local assessment and taxation at not less than $5,000.

(2) (i) This subsection does not apply to or affect any license holder that had the license on December 31, 1993, or to a person who has a permit for a building that was under construction on that date.

(ii) The area normally used as a restaurant for the preparation and consumption of food and beverages shall occupy at least 80% of the square foot area of the licensed premises, except for premises used for recreation, such as a bowling alley or pool hall.

(3) (i) The license holder may remove tables and chairs to accommodate additional patrons at not more than four special events held in the restaurant in a calendar year.

(ii) A restaurant that removes its tables and chairs for a special event:

1. shall give notice to the Board at least 1 week before the event;

2. shall store the removed tables and chairs in an appropriate location in the restaurant and in a manner that does not block the exits of the restaurant; and

3. may not allow into the restaurant more than the maximum number of occupants that the County Fire Marshal allows.

(d) (1) The license issued for a hotel or restaurant:

(i) authorizes the sale of beer, wine, and liquor for on–premises consumption where meals are prepared and served; and

(ii) prohibits sales for consumption anywhere else, including at a bar or counter.

(2) The license issued for a restaurant authorizes the sale for off–premises consumption of beverages with an alcoholic content of not more than 22%.

(e) The Board may issue not more than 10 licenses to the same license holder.

(f) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005(b) of this title.

(g) The annual license fee is:

(1) $1,500 for a restaurant; and

(2) $2,000 for a hotel.

§20–905.

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

(b) The Board may issue the license for use by:

(1) a nationally chartered fraternal, charitable, or veterans' organization, regardless of how long the organization has been operating; or

(2) any other club that has been operating for at least 3 years before the application for the license is made.

(c) The license authorizes the license holder to sell at retail:

(1) for on–premises consumption, beer, wine, and liquor at a club at the place described in the license; and

(2) for off–premises consumption, collectible bottles of wine or liquor 30 calendar days before a special anniversary or special event.

(d) The annual license fee is $600.

§20–906.

A Class D beer, wine, and liquor license may not be issued in the county.

§20–1001.

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

(b) The license authorizes the license holder to sell beer and wine by the drink on the campus of an institution of higher education:

(1) from one or more outlets that the Board approves; and

(2) for on–premises consumption at sporting and nonsporting events held at the institution.

(c) The Board shall adopt regulations concerning the manner of dispensing beer and wine, the hours and days of sale, and the annual license fee.

§20–1001.1.

(a) (1) The Board may issue an art gallery beer and wine license to a nonprofit or for–profit retail business engaged in the display and sale of original artwork, or copies of original artwork that are reproduced no more than 300 times, by an individual artist or a group of artists.

(2) A business that displays and sells commercially prepared or mass–produced artistic products may not be issued the license.

(b) The license holder may sell or serve beer and wine at retail for on–premises consumption when snacks are served during normal business hours but not later than midnight.

(c) The annual license fee is $100.

(d) The license may not be transferred from the location for which the license was originally issued to another location.

§20–1001.2.

(a) There is a Class B–BF (banquet facility) beer, wine, and liquor license.

(b) The Board may issue the license for use by a banquet facility that:

(1) accommodates the public for banquets, parties, meetings, and similar functions;

(2) contains a dining room with adequate facilities for preparing and serving full–course meals for at least 100 individuals who are inside the facility or outside on the premises at one seating; and

(3) has a full commercial kitchen and adequate public bathroom facilities.

(c) (1) The license authorizes the license holder to sell at retail beer, wine, and liquor by the drink or by the bottle for on–premises consumption if:

(i) the beer, wine, and liquor are sold only during the function;

(ii) except as provided in paragraph (2) of this subsection, the license holder does not sell beer, wine, and liquor for off–premises consumption;

(iii) the license holder does not allow beer, wine, and liquor to be carried off the premises; and

(iv) food is provided at the function where the beer, wine, and liquor are provided.

(2) The license holder may sell beer, wine, and liquor for off–premises consumption if the beer, wine, and liquor is:

(i) in a collectible bottle commemorating a special anniversary or event; and

(ii) sold not more than 30 calendar days before the special anniversary or event.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005 of this title.

(e) The annual license fee is $1,500.

§20–1001.3.

(a) There is a barbershop beer and wine license.

(b) The Board may issue the license to a holder of a barbershop permit under § 4–501 of the Business Occupations and Professions Article.

(c) The license authorizes the license holder to provide no more than 6.5 ounces of wine by the glass or 12 ounces of beer for on–premises consumption by a barbershop customer:

(1) when the customer is provided a service described in § 4–101(l) of the Business Occupations and Professions Article; or

(2) while the customer is attending a fund–raising event at the barbershop for which the Department of Permits and Inspections, if required, has issued a permit.

(d) The license may not be transferred to another location.

(e) The license holder may provide beer and wine for on–premises consumption during normal business hours but not later than 9 p.m.

(f) The annual license fee is $100.

§20–1002.

(a) There is a beauty salon beer and wine license.

(b) The Board may issue the license to a holder of a beauty salon permit under § 5–501 of the Business Occupations and Professions Article.

(c) The license authorizes the license holder to provide no more than 6.5 ounces of wine by the glass or 12 ounces of beer for on–premises consumption by a beauty salon customer:

(1) when the customer is provided a cosmetology service described in § 5–101(n)(1) of the Business Occupations and Professions Article; or

(2) while the customer is attending a fund–raising event at the beauty salon for which the Department of Permits and Inspections, if required, has issued a permit.

(d) The license may not be transferred to another location.

(e) The license holder may provide beer and wine for on–premises consumption during normal business hours but not later than 9 p.m.

(f) The annual license fee is $100.

§20–1003.

(a) There is a Class B–BB (bed and breakfast) beer, wine, and liquor license.

(b) The Board may issue the license for use by an establishment that:

(1) provides services ordinarily found in a bed and breakfast; and

(2) contains at least one room with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time.

(c) (1) Subject to paragraph (2) of this subsection, the license authorizes the sale of beer, wine, and liquor for on–premises consumption to a guest whose name

and address appears on the registry that is maintained by the establishment and who is an occupant of a sleeping room in the establishment.

(2) The license holder may not sell beer, wine, or liquor to an individual who is registered at the establishment only to obtain beer, wine, or liquor.

(d) If an establishment ends operations as a bed and breakfast:

(1) the license is void; and

(2) the license holder shall return the license to the Board.

(e) The license holder may sell beer, wine, and liquor for on–premises consumption during the hours and days of sale that are set out for a Class B beer, wine, and liquor license under § 20–2005 of this title.

(f) The annual license fee is $500.

§20–1003.1.

(a) There is a Class CT (cinema/theater) (on–sale) beer, wine, and liquor license.

(b) The Board may issue the license for use in a for–profit cinema or theater that has one or more screening rooms or performance halls.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption by the can, bottle, or drink:

(i) in the lobby or a screening room or performance hall; and

(ii) to an individual who has a ticket to a movie or a theater performance and proper identification.

(2) A license holder shall offer for sale food other than candy and popcorn.

(d) A customer may consume beer, wine, or liquor anywhere on the licensed premises.

(e) A license holder may exercise the privileges of the license Monday through Sunday.

(f) An individual serving beer, wine, or liquor:

(1) may not mix the contents of one bottle with the contents of another bottle; and

(2) shall remove or destroy all empty bottles and cans.

(g) The annual license fee is $1,500.

§20–1004.

(a) There is a Class B–CC (conference center) beer, wine, and liquor license.

(b) (1) The Board may issue the license for an establishment that is equipped with:

(i) at least 150 bedrooms for the accommodation of the public;

(ii) at least one dining area with facilities for preparing and serving regular meals;

(iii) rooms for meetings, displays, banquets, balls, dancing, and live entertainment; and

(iv) a nightclub equipped with a bar and an entertainment or a dancing area.

(2) The total average daily receipts from the renting of meeting rooms and bedrooms and the sale of food in the establishment shall exceed the average daily receipts from the sale of alcoholic beverages.

(c) The license authorizes the sale of beer, wine, and liquor for consumption throughout the licensed premises, both indoors and outdoors, including meeting and banquet rooms, patios, verandas, and green spaces.

(d) The license holder may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(e) The annual license fee is $2,000.

§20–1005.

(a) There is a Class C (country and golf club) license.

(b) The Board may issue the license for use by a country and golf club that maintains a regular or championship golf course with at least nine holes.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail to members and their guests for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 20–2005 of this title.

(e) The annual license fee is $1,500.

§20–1006.

(a) There is a Class B–CI (country inn) beer, wine, and liquor license.

(b) The Board may issue the license for an establishment that:

(1) provides services ordinarily found in a country inn;

(2) contains at least eight rooms with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time; and

(3) has a kitchen facility for guests that is separate from the kitchen facility of the resident management quarters.

(c) The license holder may sell beer, wine, and liquor when accommodating the public for banquets, parties, meetings, and similar functions.

(d) The license holder may sell beer, wine, and liquor for on–premises consumption during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005 of this title.

(e) If an establishment ends operations as a country inn:

(1) the license is void; and

(2) the license holder shall return the license to the Board.

(f) The annual license fee is $2,500.

§20–1007.

(a) There is a Class B–DT (dinner theater) beer, wine, and liquor license.

(b) The Board may issue the license for the use of a dinner theater that:

(1) provides live Broadway–style musicals, comedy, or drama to its customers;

(2) is open to the public by reservation only; and

(3) contains a dining room with facilities for preparing and serving full–course meals for at least 120 individuals at one seating.

(c) (1) The license authorizes the license holder to sell at retail for on–premises consumption:

(i) beer and wine by the drink or bottle; and

(ii) liquor by the drink.

(2) A license holder may not sell alcoholic beverages:

(i) for off–premises consumption; or

(ii) at any time except in conjunction with the dinner theater.

(d) A license holder may sell beer, wine, and liquor beginning 2 hours before a live performance until the end of the performance on Monday through Sunday.

(e) The annual license fee is $1,500.

§20–1008.

(a) There is a Class EC (entertainment center) license.

(b) The Board may issue the license to a person for use in conjunction with:

(1) a Class 7 micro–brewery license that the person then obtains from the Executive Director; or

(2) a Class B beer, wine, and liquor license that the person has been issued by the Board.

(c) (1) The Class EC license authorizes the license holder to sell, in an entertainment center for on–premises consumption:

(i) malt beverages that are brewed in the license holder's micro–brewery, if the license holder also holds a Class 7 micro–brewery license; or

(ii) beer, wine, and liquor, if the license holder also holds a Class B beer, wine, and liquor license.

(2) The entertainment center may:

(i) contain:

1. rides and games such as bowling lanes, billiard tables, and go–carts; and

2. one or more food service facilities, bars, or lounges; and

(ii) allow the playing of music and dancing.

(d) The Board may issue not more than 10 licenses to the same license holder.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005 of this title.

(f) The annual Class EC license fee is $1,500.

§20–1009.

(a) There is a Class B–GSF (golf simulator facility) license.

(b) The Board may issue the license for use by a golf simulator facility that:

(1) is open to the public;

(2) has at least five golf simulator bays; and

(3) has accommodations that are predominantly dedicated to golf simulator bays and seating dedicated to the golf simulator bays.

(c) An applicant for the license shall submit to the Board a floor plan or layout of the proposed licensed premises that illustrates that the proposed licensed

premises is predominantly dedicated to golf simulator bays and has seating dedicated to the golf simulator bays.

(d) The license holder may sell beer, wine, and liquor for on–premises consumption:

(1) if the license holder offers food on–premises at all times when alcoholic beverages are being sold; and

(2) during normal business hours and in accordance with § 20–2005 of this title.

(e) (1) The license holder's annual gross sales from:

(i) alcoholic beverages may not exceed 35% of the annual gross sales of the golf simulator facility;

(ii) golf simulator bay rental fees shall be at least 50% of the annual gross sales of the golf simulator facility; and

(iii) food shall be at least 15% of the annual gross sales of the golf simulator facility.

(2) Before the Board may renew the license, the license holder shall provide the Board with an annual gross sales report for alcohol, golf simulator bay rental fees, and food that shows the license holder has met the requirements of paragraph (1) of this subsection.

(f) The annual license fee is $1,500.

§20–1009.1.

(a) There is a hotel lobby license.

(b) The Board may issue the license for use by a hotel that does not have a restaurant.

(c) The license authorizes the license holder to sell beer and wine by the bottle from a store in the hotel lobby to patrons of the hotel for on–premises consumption.

(d) The Board may issue not more than 10 licenses to the same license holder.

(e) The license holder may sell beer and wine during the hours and days as set out for a Class B beer and wine license under § 20–2004 of this title.

(f) The license fee is $100.

§20–1009.2.

(a) There is a Class B–MGC (miniature golf course) beer, wine, and liquor license.

(b) The Board may issue the license for use by a miniature golf course that:

(1) is open to the public;

(2) has a miniature course of at least 18 holes; and

(3) has accommodations that are predominantly dedicated to miniature golf.

(c) An applicant for a Class B–MGC (miniature golf course) beer, wine, and liquor license shall submit to the Board a floor plan or layout of the proposed licensed premises that illustrates that the proposed licensed premises is predominantly dedicated to miniature golf.

(d) The license holder may sell beer, wine, and liquor for on–premises consumption:

(1) if the license holder offers food on–premises at all times when alcoholic beverages are being sold; and

(2) during normal business hours and in accordance with § 20–2005 of this title.

(e) (1) The license holder's annual sales from:

(i) alcoholic beverages may not exceed 35% of the annual gross sales of the miniature golf course;

(ii) miniature golf games shall be at least 50% of the annual gross sales of the miniature golf course; and

(iii) food shall be at least 15% of the annual gross sales of the miniature golf course.

(2) Before the Board may renew a Class B–MGC (miniature golf course) beer, wine, and liquor license, the license holder shall provide the Board with an annual gross sales report for alcohol, miniature golf games, and food that shows the license holder has met the requirements of paragraph (1) of this subsection.

(f) The annual license fee is $1,500.

§20–1009.3.

(a) This section applies only to a municipal golf course that is operated by a municipal golf course manager or a golf course manager under a management agreement with the City of Frederick.

(b) There is a Class M–G beer, wine, and liquor license for use at a municipal golf course.

(c) The Board may issue the license to:

(1) a manager of a municipal golf course; or

(2) an official of the City of Frederick designated by the Mayor of the City of Frederick.

(d) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption on the land and in the facilities used for golfing purposes.

(e) (1) The license holder may designate an agent to sell beer, wine, and liquor at the municipal golf course.

(2) The agent shall be considered the vendor for purposes of collecting and remitting the sales and use tax.

(f) On request of the City of Frederick, the Board may transfer the license to a different:

(1) golf course manager; or

(2) city official designated by the Mayor.

(g) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005 of this title.

(h) The annual license fee is $600.

(i) The Board shall adopt regulations to carry out this section.

§20–1010.

(a) There is a Class C (private business club) beer, wine, and liquor license.

(b) Three officers of the private business club shall apply for the license.

(c) The Board may issue the license for use by a private business club that:

(1) is organized for business and professional persons;

(2) is nonprofit;

(3) has been incorporated since at least 1 year before the application for the license was made;

(4) has at least 75 members;

(5) prepares and serves meals to members and their guests during regular operating hours; and

(6) has made at least $100,000 in capital expenditures for tenant improvements, equipment, and furnishings used in the private business club.

(d) The license authorizes the license holder to sell beer, wine, and liquor to members and their guests for on–premises consumption.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 20–2005 of this title.

(f) The annual license fee is $2,000.

§20–1011.

(a) There is a Class C (private country club) beer, wine, and liquor license.

(b) Three officers of the private country club shall apply for the license.

(c) The Board may issue the license for use by a private country club that:

(1) is organized for social purposes;

(2) has been incorporated since at least 1 year before the application for the license was made;

(3) has at least 75 members;

(4) prepares and serves meals to members and their guests during regular operating hours;

(5) is in the 14th election district or wherever else is allowed in the county; and

(6) has made at least $500,000 in capital expenditures for structures, improvements, equipment, and furnishings used in the private country club.

(d) The license authorizes the license holder to sell beer, wine, and liquor to members and their guests for consumption in the structures and on the surrounding grounds of the licensed premises.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005 of this title.

(f) The annual license fee is $2,000.

§20–1012.

(a) There is a special Class C (retirement center) beer, wine, and liquor license.

(b) The Board may issue the retirement center license by converting a special Class C (club) license held on behalf of a retirement center into the retirement center license.

(c) (1) The license authorizes the license holder to sell at retail beer, wine, and liquor to residents and guests at the licensed premises for on–premises consumption.

(2) The license holder may sell for off–premises consumption only special anniversary or special event collectible bottles of wine or liquor not more than 30 calendar days before the special anniversary or event.

(3) (i) Subject to subparagraph (ii) of this paragraph, a civic group or any other organization that rents the premises from the license holder for an event may serve at the event alcoholic beverages that the license holder provides.

(ii) Not more than 25 events described in subparagraph (i) of this paragraph at which alcoholic beverages are served may be held in 1 year.

(iii) The events may be open to the public.

(4) The licensed premises may be expanded to include any building or facility at the retirement center campus, regardless of whether the building or facility exists when the license is issued.

(5) The retirement center campus shall be limited to two areas and the service rooms connected to those two areas.

(d) The annual license fee is $1,500.

§20–1013.

(a) There is a stadium license.

(b) The Board may issue the license to the owner of a professional baseball team franchise, regardless of whether the franchise is a partnership, corporation, or limited liability company.

(c) The license authorizes the license holder, at the stadium in which the baseball team plays its home games, to sell beer, wine, and liquor:

(1) in plastic or paper containers on the licensed premises;

(2) for on–premises consumption; and

(3) to an individual present at an event held in the stadium.

(d) The license holder may sell alcoholic beverages from the time the stadium opens for the event until the event ends.

(e) The license holder may not allow an individual to:

(1) carry any alcoholic beverage onto the licensed premises; or

(2) carry any alcoholic beverage from the licensed premises.

(f) The annual license fee is $2,500.

§20–1014.

(a) There is a Class C (theater) beer and wine license.

(b) The president and two other officers of the theater shall sign the application for the license.

(c) The Board may issue a license for use by a theater with seating.

(d) The license authorizes the license holder to sell beer and wine for on–premises consumption from 1 hour before to 1 hour after:

(1) a regular performance; or

(2) a fund–raiser performance that benefits the theater.

(e) The annual license fee is $100.

§20–1014.1.

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

(b) The manager of the theater or any other official designated by the theater may sign the application for the license.

(c) The Board may issue a license for use by a theater with seating.

(d) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption from 1 hour before to 1 hour after:

(1) a regular performance;

(2) a fund–raiser performance that benefits the theater; or

(3) an event hosted by an outside group that has rented the theater.

(e) The annual license fee is $150.

§20–1014.2.

(a) There is a Class C (volunteer fire company or volunteer ambulance company) license.

(b) The license authorizes a volunteer fire company or volunteer ambulance company to sell beer, wine, and liquor only during a fund–raising event for on–premises consumption.

(c) The license holder shall provide the Board with notice of a fund–raising event at least 14 days before the event is to be held.

(d) The annual license fee is $500.

§20–1015.

(a) There is a Class C (Weinberg Center/New Spires Arts Stages) beer, wine, and liquor license.

(b) The manager of the Weinberg Center for the Arts or the New Spires Arts Stages, or another municipal official designated by the Mayor of the City of Frederick, shall sign the application for the license.

(c) The Board may issue the license for use by the nonprofit Weinberg Center for the Arts at the Center and at the New Spires Arts Stages.

(d) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail to a customer on the licensed premises.

(2) Beer, wine, and liquor may be consumed anywhere on the licensed premises.

(e) The license holder may sell beer, wine, and liquor from 1 hour before to 1 hour after:

(1) a performance;

(2) a fund–raiser that benefits the Weinberg Center for the Arts or the New Spires Arts Stages; or

(3) an event hosted by an outside group that has rented either facility.

(f) The annual license fee is $325.

§20–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 20–1104 of this subtitle;

(2) § 4–1105 ("Refillable container permit — Wine"), subject to § 20–1105 of this subtitle; and

(3) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 20–1106 of this subtitle.

§20–1102.

(a) This section applies to a holder of:

(1) a Class C per diem beer and wine license; or

(2) a Class C per diem beer, wine, and liquor license.

(b) A license holder listed under subsection (a) of this section may sell collectible special anniversary or event bottles of wine or liquor for off–premises consumption on the days permitted by the license for the special anniversary or event.

§20–1102.1.

(a) There is a beer and wine tasting (BWT) permit.

(b) The Board may issue the permit to the holder of a Class A license.

(c) The permit authorizes the holder to allow for on–premises tasting of beer and wine.

(d) (1) An applicant for the permit shall submit to the Board an application on a form that the Board provides.

(2) The Board may issue the permit without a public hearing.

(3) If an initial permit application is denied, the applicant may request a public hearing before the Board.

(4) Renewal of the permit may be made when the license holder's Class A license is renewed.

(e) An individual may taste beer or wine covered by the permit in a quantity not exceeding:

(1) 12 total ounces of beer; or

(2) 6 total ounces of wine.

(f) The Board shall regulate:

(1) the quantity of beer and wine served to an individual; and

(2) the number of bottles or other containers from which the quantity is served.

(g) (1) The permit authorizes the tasting of beer and wine only on the licensed premises of the holder.

(2) The permit holder may not allow an open container to be taken from the licensed premises.

(3) The permit holder may not serve open alcoholic beverages from a drive–through window.

(h) The annual permit fee is $200.

§20–1102.2.

(a) There is a beer, wine, and liquor tasting (BWLT) permit.

(b) The Board may issue the permit to the holder of a Class A license.

(c) The permit authorizes the holder to allow for on–premises tasting of beer, wine, and liquor.

(d) (1) An applicant for the permit shall submit to the Board an application on a form that the Board provides.

(2) The Board may issue the permit without a public hearing.

(3) If an initial permit application is denied, the applicant may request a public hearing before the Board.

(4) Renewal of the permit may be made when the license holder's Class A license is renewed.

(e) An individual may taste beer, wine, or liquor covered by the permit in a quantity not exceeding:

(1) 12 total ounces of beer;

(2) 6 total ounces of wine; or

(3) 1.5 total ounces of liquor, which may be mixed with other nonalcoholic beverages.

(f) The Board shall regulate:

(1) the quantity of beer, wine, and liquor that may be served to an individual; and

(2) the number of bottles or other containers from which the quantity is served.

(g) (1) The permit authorizes the tasting of beer, wine, and liquor only on the licensed premises of the holder.

(2) The permit holder may not allow an open container to be taken from the licensed premises.

(3) The permit holder may not serve open alcoholic beverages from a drive–through window.

(h) The annual permit fee is $400.

§20–1103.

(a) There is a promoter's permit.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the permit for use by a for–profit organization that publicizes, sells tickets for, organizes, operates, produces, or stages an event where alcoholic beverages are sold or served.

(2) The permit holder may not hold an alcoholic beverages license under this article.

(c) The permit authorizes the permit holder to sell beer, wine, and liquor at an event.

(d) The Board may adopt regulations establishing the requirements for conducting an event described in subsection (b) of this section, including health and safety standards to be met by a permit holder.

(e) The permit fee is:

(1) $50, if the promoter expects that fewer than 500 individuals will attend;

(2) $250, if the promoter expects that from 500 to 1,000 individuals will attend;

(3) $600, if the promoter expects that from 1,001 to 3,000 individuals will attend; and

(4) $1,000, if the promoter expects that more than 3,000 individuals will attend.

§20–1104.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A or Class B license.

(b) The annual permit fee is $50.

§20–1105.

(a) The Board may issue a refillable container permit for wine to a holder of a Class A or Class B license.

(b) The annual permit fee is $50.

§20–1106.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license or a Class B license.

(b) (1) Except as provided in paragraph (2) of this subsection, the annual permit fee is $50.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§20–1201.

(a) There is a local caterer's license.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to the holder of a Class B restaurant or hotel (on–sale) beer, wine, and liquor license.

(2) Before the Board issues or renews the license, the county health department shall approve the food preparation facilities for a catered event.

(c) The license authorizes a holder to:

(1) provide beer, wine, and liquor at a publicly or privately sponsored event that is held off the premises for which the holder's Class B restaurant or hotel (on–sale) beer, wine, and liquor license is issued; and

(2) exercise the privileges of the license only during the hours and on the days authorized for the holder's Class B license.

(d) The license holder shall:

(1) prepare, deliver, and provide food for consumption at the catered event;

(2) provide the service employees to serve alcoholic beverages at the catered event;

(3) ensure that at least one service employee is certified by an alcohol awareness program under § 4–505 of this article and is on the premises at all times during the event; and

(4) ensure after the event that all of the alcoholic beverages:

(i) remain in the possession of the license holder; and

(ii) are returned to the premises for which the Class B restaurant or hotel (on–sale) beer, wine, and liquor license is issued.

(e) The annual license fee is $1,500.

(f) This section does not require a holder of a Class B restaurant or hotel (on–sale) beer, wine, and liquor license to obtain a local caterer's license for catering on the premises for which the Class B license is issued.

§20–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1206 ("License to dispose of stock");

(3) § 4–1207 ("Temporary move of licensed premises");

(4) § 4–1208 ("Hours and days of sale"); and

(5) § 4–1209 ("Wine permit for fund–raising event").

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

(1) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses"), which is superseded by § 20–1312 of this subtitle;

(2) § 4–1204 ("Class C per diem beer, wine, and liquor license"), which is superseded by § 20–1313 of this subtitle; and

(3) § 4–1205 ("License fees"), which is superseded by §§ 20–1312 and 20–1313 of this subtitle.

§20–1304.

(a) There is a beer festival license.

(b) The Board may issue the license to a holder of a retail license, Class 5 brewery license, Class 7 micro–brewery license, or Class 8 farm brewery license.

(c) The license authorizes the holder to display and sell beer.

(d) A license holder shall display and sell beer:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the beer festival.

(e) The Board shall:

(1) choose 4 weekends each year for the beer festival that do not fall on the dates chosen for the Cumberland and Shenandoah Valley Wine Festival in Washington County or the Maryland Wine Festival in Carroll County;

(2) choose for the festival:

(i) a location that is not already licensed; or

(ii) subject to subsection (f) of this section, the premises of a holder of a stadium on–sale license; and

(3) ensure that the primary focus of the beer festival is the promotion of Maryland beer.

(f) If a beer festival is held on the premises of a holder of a stadium license, the holder of the stadium license may not sell any alcoholic beverages during the festival.

(g) A beer festival license holder may hold another license of a different class or nature.

(h) The license fee is $15.

(i) The Board shall adopt regulations to carry out this section.

§20–1305.

(a) In this section, "Festival" means the Frederick County Wine Festival.

(b) There is a wine festival (WF) license.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.

(d) The license authorizes the holder to display and sell wine that is distributed in the State.

(e) A license holder shall display and sell wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the Festival.

(f) The Board:

(1) may choose two weekends each year for the Festival;

(2) shall choose locations that are not already licensed; and

(3) shall ensure that the primary focus of the Festival is the promotion of Maryland wine.

(g) A license holder may hold another license of a different class or nature.

(h) The license fee is $20.

(i) The Board shall adopt regulations to carry out this section.

§20–1306.

(a) (1) There is a Middletown Wine Festival (MWF) license.

(2) The Burgess and Commissioners of Middletown may not hold more than two 1–day Middletown Wine Festivals each year on the days that the Burgess and Commissioners choose.

(b) The Board may issue the license to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) The license authorizes the holder to display and sell wine at retail for on– and off–premises consumption.

(d) A license holder shall display and sell wine during the hours and days designated for the Middletown Wine Festival.

(e) The Burgess and Commissioners of Middletown:

(1) each year may choose the days for the Festival; and

(2) shall choose locations that are not already licensed.

(f) A license holder may hold another license of a different class or nature.

(g) The license fee is $20.

§20–1309.

(a) There is a 1–day multivenue wine (MVW) license.

(b) The Board may issue the license to a nonprofit organization.

(c) (1) The license holder may conduct simultaneous wine events at not more than five venues that are:

(i) within walking distance of each other; and

(ii) located in districts that allow the consumption of wine.

(2) Under regulations that the Board adopts, at each wine event, the license holder:

(i) may sell wine by the glass for on–premises consumption or by the bottle for off–premises consumption;

(ii) may allow the holder of a Class 4 limited winery license to conduct a wine tasting; and

(iii) shall prohibit a guest from transporting wine from one venue to another.

§20–1312.

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

(b) An applicant may purchase:

(1) a Class C per diem beer license or a Class C per diem beer and wine license for each day a license is required; or

(2) a Class C multiday beer license or a Class C multiday beer and wine license for all days for which a license is required.

(c) The days for which licenses under this section may be issued to a single applicant may not exceed 50 in a calendar year.

(d) The fee is $10 per day for:

(1) a Class C per diem beer license;

(2) a Class C per diem beer and wine license;

(3) a Class C multiday beer license; or

(4) a Class C multiday beer and wine license.

§20–1313.

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

(b) An applicant may purchase:

(1) a Class C per diem beer, wine, and liquor license for each day a license is required; or

(2) a Class C multiday beer, wine, and liquor license for all days for which a license is required.

(c) The days for which licenses under this subsection may be issued to a single applicant may not exceed 50 in a calendar year.

(d) The fee is $30 per day for:

(1) a Class C per diem beer, wine, and liquor license; or

(2) a Class C multiday beer, wine, and liquor license.

§20–1317.

(a) There is a basket of cheer permit.

(b) The Board shall grant the permit at no cost to a holder of a Class C per diem beer and wine license or a Class C per diem beer, wine, and liquor license.

(c) The permit authorizes the permit holder to provide as a prize at a benefit performance a basket of cheer of alcoholic beverages consisting of:

(1) for a holder of a Class C per diem beer and wine license, not more than:

(i) 288 ounces of beer; and

(ii) 2.25 liters of wine; and

(2) for a holder of a Class C per diem beer, wine, and liquor license, not more than:

(i) 288 ounces of beer;

(ii) 2.25 liters of wine; and

(iii) 2.25 liters of liquor.

(d) The alcoholic beverages contained in a basket of cheer shall be for off–premises consumption.

(e) A holder of the permit:

(1) shall obtain the alcoholic beverages contained in a basket of cheer from a holder of a retail license; and

(2) may raffle off not more than 10 baskets of cheer at each benefit performance.

§20–1401.

(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) § 4–104 ("Application on behalf of corporation or club");

(3) § 4–105 ("Application on behalf of limited liability company");

(4) § 4–106 ("Payment of notice expenses");

(5) § 4–108 ("Application form required by Comptroller");

(6) § 4–109 ("Required information on application — In general");

(7) § 4–111 ("Payment of license fees");

(8) § 4–112 ("Disposition of license fees");

(9) § 4–113 ("Refund of license fees"); and

(10) § 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 do not apply in the county:

(1) § 4–103 ("Application on behalf of partnership"), which is superseded by § 20–1404 of this subtitle; and

(2) § 4–110 ("Required information on application – Petition of support").

(c) Section 4–107 ("Criminal history records check") of Division I of this article applies in the county, subject to §§ 20–1402 and 20–1403 of this subtitle.

§20–1402.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

§20–1403.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

§20–1404.

(a) (1) A license for the use of a partnership shall be applied for and issued to three individuals.

(2) The three individuals are not required to be partners but shall be authorized in writing to act for the partnership.

(3) One of the three individuals shall be a resident and registered voter of the county at the time the application is filed.

(4) The names of each partner shall be stated on the application.

(b) If a corporation, partnership, or limited liability company is a partner of a partnership on behalf of which an application for a license has been filed, the application shall include:

(1) the name of each owner of more than 33% of the stock in the corporate partner;

(2) the name of each owner of more than 33% of ownership interest of the partnership partner; or

(3) the name of each member with more than a 33% interest in the limited liability company partner.

§20–1405.

(a) An applicant for a license shall post a notice that the Board approves in a conspicuous place at the location described in the application for at least 14 days before the application hearing.

(b) The notice shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

§20–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–202 ("Authority of local licensing boards");

(2) § 4–204 ("Prohibition against issuing multiple licenses for same premises");

(3) § 4–205 ("Chain store, supermarket, or discount house");

(4) § 4–206 ("Limitations on retail sales floor space");

(5) § 4–207 ("Licenses issued to minors");

(6) § 4–209 ("Hearing");

(7) § 4–210 ("Approval or denial of license application");

(8) § 4–211 ("License forms; effective date; expiration");

(9) § 4–212 ("License not property");

(10) § 4–213 ("Replacement licenses"); and

(11) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to Subtitle 13, Part III of this title; and

(2) § 4–208 ("Notice of license application required"), subject to § 20–1502 of this subtitle.

§20–1502.

(a) The Board may fulfill the notice requirement of § 4–208 of this article by posting online a completed hearing schedule at least 14 days before the hearing date.

(b) Any application document submitted in accordance with this subtitle is subject to State requirements of the Public Information Act under Title 4 of the General Provisions Article.

§20–1601.

(a) (1) For every 4,000 individuals in an election district, the Board may not issue more than one license in each of the following classes:

(i) Class A (off–sale) beer license;

(ii) Class A (off–sale) beer and wine license; and

(iii) Class A (off–sale) beer, wine, and liquor license.

(2) The population of each election district is to be determined by the most recent federal census.

(b) (1) Subject to paragraph (2) of this subsection, in an election district in which the number of licenses in a class that were issued as of June 1, 1949, exceeds the quota specified in subsection (a) of this section, the Board may not issue new licenses in that class.

(2) The Board may issue new licenses in a class when the number of licenses in that class falls below the quota specified in subsection (a) of this section.

(c) This section does not apply to the transfer or renewal of a license.

§20–1602.

(a) Except as otherwise provided in this title, the Board may issue any license:

(1) authorized under this title anywhere in the county, regardless of election district; and

(2) for which a public hearing is held.

(b) (1) The Board may issue a Class C beer, wine, and liquor license to:

(i) a religious organization;

(ii) a fraternal organization;

(iii) a civic organization;

(iv) a war veterans' organization; and

(v) a patriotic organization.

(2) A license issued under this subsection may be used only for on–premises consumption.

(3) All net proceeds from the sale of alcoholic beverages by an organization listed in paragraph (1) of this subsection shall be used solely for charitable purposes or otherwise to further the purposes of the organization.

§20–1603.

A Class A license may not be issued for, transferred to, used in conjunction with, or used at the location of:

(1) a chain store;

(2) a supermarket;

(3) a discount house; or

(4) a franchised establishment:

(i) that is operated under an agreement between a franchisee and franchisor that permits the franchisee to conduct a business or sell a product or service under a name or mark, in accordance with the methods and procedures set out by the franchisor; and

(ii) for which the franchisor assists the franchisee through advertising, promotion, or other services.

§20–1604.

The Board may not issue any license with an off–sale privilege for use in a business that is intended to be operated as a drive–through sales facility at which alcoholic beverages are:

(1) sold at retail; and

(2) dispensed through a window or door to a purchaser in a motor vehicle for off–premises consumption.

§20–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house");

(2) § 4–304 ("Compliance with Bulk Transfers Act required");

(3) § 4–305 ("Filing fee and endorsement"); and

(4) § 4–306 ("Substitution of names of officers on license").

(b) Section 4–302 ("Transfer of place of business; transfer of license and inventory") of Division I of this article applies in the county, subject to § 20–1702 of this subtitle.

§20–1702.

The Board may not transfer an off–sale license for use in a business that is intended to be operated as a drive–through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off–premises consumption.

§20–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–405 ("Contents of renewal application");

(4) § 4–406 ("Protests");

(5) § 4–407 ("Denial of renewal application");

(6) § 4–409 ("Multiple licenses"); and

(7) § 4–410 ("Chain store, supermarket, or discount house").

(b) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article do not apply in the county:

(1) § 4–404 ("Filing period for renewal application"), which is superseded by § 20–1803 of this subtitle; and

(2) § 4–408 ("Issuance of renewed licenses"), which is superseded by § 20–1804 of this subtitle.

§20–1802.

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

§20–1803.

An application to renew an annual license shall be filed between January 1 and April 15, inclusive.

§20–1804.

(a) The Board may issue renewed licenses for the following license year between January 1 and May 1, inclusive.

(b) All renewed licenses shall be dated May 1.

(c) If an expiring license is subject to an order of restriction or suspension, the Board shall issue the corresponding license renewal subject to the same order.

§20–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age"); and

(4) § 4–507 ("Retail delivery of alcoholic beverages").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 20–1902 of this subtitle;

(2) § 4–505 ("Alcohol awareness program"), subject to § 20–1903 of this subtitle; and

(3) § 4–508 ("Display of license"), subject to § 20–1904 of this subtitle.

§20–1902.

A license holder may employ an individual who is:

(1) at least 18 years old to sell, serve, deliver, or otherwise deal with alcoholic beverages; or

(2) at least 14 years old to perform any task other than to sell, serve, or deliver alcoholic beverages.

§20–1903.

(a) (1) The individual certified by an approved alcohol awareness program may be absent from the licensed premises for a personal or business reason or an emergency if:

(i) the personal or business reason or emergency meets standards that the Board sets by regulation; and

(ii) the absence lasts for not more than 2 hours.

(2) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or a suspension or revocation of the license or both.

§20–1904.

A license holder shall frame the license and display the license conspicuously in the licensed premises.

§20–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§20–2002.

(a) (1) A holder of a Class A beer license may sell beer on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) (i) The Board may grant a special Sunday opening permit to the license holder.

(ii) The permit authorizes the holder to sell beer for off–premises consumption on Sunday from 6 a.m. to 2 a.m. the following day.

(iii) The annual permit fee is $100 in addition to the annual fee for the license.

(iv) The permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the license.

(b) A holder of a Class B beer license may sell beer on Monday through Sunday, for on– and off–premises consumption, from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer (on–sale) license may sell beer:

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

(2) for a specific event that the Board has approved, the hours for the event that are set by the Board.

§20–2003.

A holder of a Class A wine license may sell wine on Sunday.

§20–2004.

(a) (1) A holder of a Class A beer and wine license may sell beer and wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) (i) The Board may grant a special Sunday opening permit to the license holder.

(ii) The permit authorizes the holder to sell beer for off–premises consumption on Sunday from 6 a.m. to 2 a.m. the following day.

(iii) The annual permit fee is $140 in addition to the annual fee for the license.

(iv) The permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the license.

(b) A holder of a Class B beer and wine license may sell beer and wine on Monday through Sunday, for on– and off–premises consumption, from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer and wine license may sell beer and wine on Monday through Sunday, for on–premises consumption, from 6 a.m. to 2 a.m. the following day.

§20–2005.

(a) (1) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) (i) The Board may grant a special Sunday opening permit to the license holder.

(ii) The permit authorizes the holder to sell beer, wine, and liquor for off–premises consumption on Sunday from 6 a.m. to 2 a.m. the following day.

(iii) The annual permit fee is $650 in addition to the annual fee for the license.

(iv) The permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the license.

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

(1) on Monday through Saturday, for on– and off–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday:

(i) for on–premises consumption:

1. from 6 a.m. to 2 a.m. the following day; or

2. for a specific event that the Board has approved, the hours for the event that are set by the Board; and

(ii) for off–premises consumption, from 1 p.m. to 2 a.m. the following day.

(c) A holder of a Class B beer, wine, and liquor license in the Ballenger (23rd) election district may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor for on– and off–premises consumption on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

§20–2101.

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

§20–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§20–2301.

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4–802 ("Expiration of license on death of license holder");

(2) § 4–804 ("Transfer or reinstatement of license");

(3) § 4–805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4–806 ("Refund").

(b) Section 4–803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 20–2302 of this subtitle.

§20–2302.

A fee may not be charged for a certificate of permission for the continuation of the business in the name of the personal representative or special administrator for the benefit of the estate of the deceased license holder.

§20–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§20–2402.

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

§20–2501.

(a) After legal closing hours for licensed premises under §§ 20–2003 through 20–2006 of this title, an unlicensed establishment may not:

(1) serve alcoholic beverages or allow alcoholic beverages to be consumed by a customer from supplies that the customer previously purchased or reserved; or

(2) serve, keep, or allow to be consumed at its location or at a location under its control or possession alcoholic beverages, setups, or other component parts of mixed alcoholic drinks.

(b) The prohibitions against nudity or sexual displays under § 4–605 of this article apply to an establishment under subsection (a) of this section.

(c) A person that violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§20–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§20–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–205 ("Peace officers");

(5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(7) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(8) § 6–209 ("Adoption of standards for authorization of consumption"); and

(9) § 6–211 ("Fines and forfeitures").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 20–2602 of this subtitle.

§20–2602.

(a) The county may:

(1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or on a highway.

(b) In the City of Frederick, the Mayor and Aldermen may regulate the possession or consumption of alcoholic beverages on public property owned by the City or on a public highway.

§20–2603.

An inspector who investigates a license violation may issue a civil citation as provided in § 10–119 of the Criminal Law Article.

§20–2604.

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

§20–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years");

(2) § 6–305 ("Proof of age for sale of alcoholic beverages");

(3) § 6–306 (“Defense to prosecution for sale to underage individual”);

(4) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”);

(5) § 6–308 (“Allowing on–premises consumption of alcoholic beverages not purchased from license holder”);

(6) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);

(7) § 6–310 (“Providing free food”);

(8) § 6–311 (“Restrictions on purchases and sales by retail dealer”);

(9) § 6–312 (“Beverage misrepresentation”);

(10) § 6–313 (“Tampering with alcoholic beverage container”);

(11) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);

(12) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);

(13) § 6–316 (“Maximum alcohol content”);

(14) § 6–317 (“Multiple serving purchase required”);

(15) § 6–320 (“Disorderly intoxication”);

(16) § 6–321 (“Consumption of alcoholic beverages in public”);

(17) § 6–322 (“Possession of open container”);

(18) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(19) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(20) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(21) § 6–328 (“Tax evasion”);

(22) § 6–329 ("Destruction of evidence"); and

(23) § 6–330 ("Perjury").

(b) Section 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder") of Division I of this article applies in the county, subject to § 20–2702 of this subtitle.

§20–2702.

Residents and their guests in a continuing care retirement community that holds a Class C (on–sale) beer, wine, and liquor license may consume wine not purchased from the continuing care retirement community if:

(1) the wine is consumed with a meal in the dining room; and

(2) the continuing care retirement community:

(i) is operated by a nonprofit organization for the continuing care retirement of individuals at least 60 years old;

(ii) has been incorporated for at least 1 year;

(iii) has obtained a certificate of registration from the Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and

(iv) prepares and serves meals during regular operating hours to residents and their guests.

§20–2703.

(a) A person engaged in the manufacture or sale of alcoholic beverages, an agent or employee of the person, and a license holder may not, directly or indirectly, offer or make a payment or gift to:

(1) a member of the Board;

(2) the chief alcoholic beverages inspector;

(3) a full–time or part–time alcoholic beverages inspector; or

(4) any other employee of the Board.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

§20–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§20–2802.

(a) The Board may impose a fine not exceeding $3,000 for each offense or suspend a license or both for a violation that is cause for suspension of a license.

(b) The Board may reduce a suspension by allowing the license holder to pay an additional fine not exceeding $1,000 for each week the suspension is reduced.

(c) Fines collected under this section shall be paid into the general fund of the county.

§21–101.

(a) In this title:

(1) 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 Garrett County.

(c) "County" means Garrett County.

§21–102.

This title applies only in Garrett County.

§21–103.

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§21–201.

(a) There is a Board of License Commissioners for Garrett County.

(b) The Board is a State unit that:

(1) administers this title; and

(2) may issue, deny, revoke, or suspend licenses within the limits set out under this article.

§21–202.

(a) (1) The Governor shall appoint three members to the Board.

(2) The appointments shall be made:

(i) if there is a resident Senator elected from the county, with the advice and consent of the Senate; or

(ii) if there is no resident Senator elected from the county, with confirmation by the House of Delegates.

(b) (1) Each member of the Board shall be:

(i) a resident and voter of the county; and

(ii) an individual of high character and integrity and of recognized business capacity.

(2) An individual who is receiving compensation from the county may not be appointed to the Board.

(3) (i) Two members of the Board shall be members of the same political party as that of a majority of the members of the Board of County Commissioners.

(ii) One member of the Board shall be a member of a political party other than the one represented by a majority of the Board of County Commissioners.

(c) (1) The term of a member is 6 years and begins on June 1.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(d) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

§21–203.

From among its members, the Board shall elect a chair.

§21–204.

(a) (1) Subject to paragraph (2) of this subsection, the Board shall meet at least once each month.

(2) The chair may cancel a meeting for lack of an agenda.

(b) (1) In accordance with § 32.44 of the Garrett County Code of Ordinances, the County Commissioners shall set the salaries of the members of the Board.

(2) When attending meetings, each member is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(c) The County Commissioners shall provide to the Board:

(1) administrative, clerical, and accounting services as needed; and

(2) (i) legal counsel through the office of the County Attorney; or

(ii) funds for the payment for competent private legal counsel.

§21–205.

The Board may adopt regulations to carry out this article.

§21–301.

There is no liquor control board or department of liquor control in the county.

§21–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–205 ("Class 3 winery license");

(3) § 2–207 ("Class 5 brewery license");

(4) § 2–209 ("Class 7 micro–brewery license");

(5) § 2–211 ("Residency requirement");

(6) § 2–212 ("Additional licenses");

(7) § 2–213 ("Additional fees");

(8) § 2–214 ("Sale or delivery restricted");

(9) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(10) § 2–216 ("Interaction between manufacturing entities and retailers");

(11) § 2–217 ("Distribution of alcoholic beverages – Prohibited practices"); and

(12) § 2–218 ("Restrictive agreements between producers and retailers – Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

(1) § 2–202 ("Class 1 distillery license"), subject to § 21–403 of this subtitle;

(2) § 2–203 ("Class 9 limited distillery license"), subject to § 21–403.1 of this subtitle;

(3) § 2–204 ("Class 2 rectifying license"), subject to § 21–404 of this subtitle;

(4) § 2–206 ("Class 4 limited winery license"), subject to § 21–405 of this subtitle;

(5) § 2–208 ("Class 6 pub–brewery license"), subject to § 21–406 of this subtitle; and

(6) § 2–210 ("Class 8 farm brewery license"), subject to § 21–407 of this subtitle.

§21–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license on Monday through Saturday from 6 a.m. to midnight.

§21–403.

(a) This section applies to a Class 1 distillery license in the county.

(b) A license holder may open on Sundays to engage in the activities listed in § 2–202(c)(5) of this article only in an election district or a precinct in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a distillery.

§21–403.1.

A Class 9 limited distillery license may be issued to a holder of a Class B license that has:

(1) on–sale privileges for beer, wine, and liquor; and

(2) off–sale privileges for beer.

§21–404.

(a) This section applies to a Class 2 rectifying license in the county.

(b) A license holder may open on Sundays to engage in the activities listed in § 2–204(b)(4) of this article only in an election district or a precinct in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a rectifying facility.

§21–405.

(a) This section applies to a Class 4 limited winery license in the county.

(b) A license holder may open on Sundays to engage in the activities listed in § 2–206(b)(7) of this article only in an election district or a precinct in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a winery.

§21–406.

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Section 2–208(d) of this article does not apply in the county.

§21–407.

(a) This section applies to a Class 8 farm brewery license in the county.

(b) A license holder may open on Sundays during the hours allowed under § 21–2002(e)(2) of this title to engage in the activities listed in § 2–210(c)(1) of this article only in an election district or a precinct in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a farm.

§21–501.

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

§21–502.

Except as provided in § 21–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§21–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§21–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) (1) The annual license fees are:

(i) $150 for a 6–day license; and

(ii) $175 for a 7–day license.

(2) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–602.

(a) There is a Class B beer license.

(b) The license authorizes the license holder to sell beer for on– or off–premises consumption:

(1) at a hotel, a motel, or an inn that:

(i) accommodates the public;

(ii) provides services ordinarily found in hotels, motels, or inns;

(iii) is equipped with at least 10 bedrooms for public accommodation; and

(iv) has a lobby with a registration and mail desk, and seating; or

(2) a restaurant that:

(i) has seating at tables, not including bars or counters, for at least 20 individuals; and

(ii) can prepare and serve full–course meals for at least 20 individuals at one seating.

(c) (1) The Board may issue the license with or without a catering option.

(2) A license holder with a catering option may sell beer for consumption at events that the holder caters off the licensed premises.

(3) To exercise the catering option, the license holder:

(i) shall provide food if the holder provides beer at a catered event off the licensed premises; and

(ii) may exercise the catering option only during the hours and days that are allowed under the license.

(d) The annual license fees are:

(1) $150 for a 6–day license without a catering option;

(2) $250 for a 6–day license with a catering option;

(3) $175 for a 7–day license without a catering option; and

(4) $275 for a 7–day license with a catering option.

(e) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–603.

A Class C beer license may not be issued in the county.

§21–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) (1) The annual license fees are:

(i) $150 for a 6–day license; and

(ii) $175 for a 7–day license.

(2) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) (1) The annual license fees are:

(i) $50 for a 6–day license; and

(ii) $60 for a 7–day license.

(2) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§21–802.

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

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) (1) The annual license fees are:

(i) $350 for a 6–day license; and

(ii) $410 for a 7–day license.

(2) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–803.

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

(b) (1) The Board may issue the license for use in:

(i) a hotel, a motel, or an inn that:

1. provides services ordinarily found in a hotel, a motel, or an inn;

2. is equipped with at least 10 bedrooms for public accommodation; and

3. has a lobby with a registration and mail desk and seating facilities; or

(ii) a restaurant that:

1. has seating at tables, not including seats at bars or counters, for at least 20 individuals; and

2. can prepare and serve full–course meals for at least 20 individuals at one seating.

(2) The license authorizes the license holder to sell, at retail, at the place described in the license:

(i) beer and wine for on–premises consumption; and

(ii) beer for off–premises consumption.

(c) (1) The Board may issue the license with a catering option.

(2) In addition to exercising the privileges stated in subsection (b)(2) of this section, a holder of a license with a catering option may sell beer and wine for consumption at events that the license holder caters off the licensed premises.

(3) To exercise the catering option, the license holder shall provide food at the catered event.

(4) The license holder may exercise the catering option only during the hours and days that are allowed under the license.

(d) The annual license fees are:

(1) $350 for a 6–day license without a catering option;

(2) $475 for a 6–day license with a catering option;

(3) $410 for a 7–day license without a catering option; and

(4) $535 for a 7–day license with a catering option.

(e) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–804.

(a) There is a Class BDR (deluxe restaurant) beer and wine license.

(b) The license may be issued to a holder of:

(1) any Class B alcoholic beverages license issued by the Board; or

(2) an equivalent license that the local licensing board of a different jurisdiction issues only for use by a restaurant.

(c) (1) The Board may issue the license for use by a deluxe restaurant, as defined in the regulations of the Board, that:

(i) has seating for at least 20 individuals; and

(ii) has a minimum capital investment of $25,000 for the restaurant facilities, not including the cost of land or buildings.

(2) If the applicant purchases or leases an existing building, the capital investment attributable to the cost of the land and improvements shall be based on the assessed value of the land and improvements in accordance with the records of the State Department of Assessments and Taxation at the time of purchase.

(3) The license authorizes the license holder to sell, at retail, at the place described in the license:

(i) beer and wine for on–premises consumption; and

(ii) beer for off–premises consumption.

(d) (1) The Board may issue the license with a catering option.

(2) In addition to exercising the privileges stated in subsection (c)(3) of this section, a holder of a license with a catering option may sell beer and wine for consumption at events that the license holder caters off the licensed premises.

(3) To exercise the catering option, the license holder shall provide food at the catered event.

(4) The license holder may exercise the catering option only during the hours and days that the Board allows.

(e) The annual license fees are:

(1) $500 for a 6–day license without a catering option;

(2) $625 for a 6–day license with a catering option;

(3) $585 for a 7–day license without a catering option; and

(4) $710 for a 7–day license with a catering option.

(f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–804.1.

(a) There is a Class BDR–DC (deluxe complex restaurant) beer and wine license.

(b) The license may be issued to a holder of:

(1) any Class B alcoholic beverages license issued by the Board; or

(2) an equivalent license that the local licensing board of a different jurisdiction issues only for use by a restaurant.

(c) (1) The Board may issue the license for use by a deluxe complex restaurant, as defined in the regulations of the Board, that:

(i) has seating for at least 20 individuals; and

(ii) has a minimum capital investment of $25,000 for the restaurant facilities, not including the cost of land or buildings.

(2) If the applicant purchases or leases an existing building, the capital investment attributable to the cost of the land and improvements shall be based on the assessed value of the land and improvements in accordance with the records of the State Department of Assessments and Taxation at the time of purchase.

(3) The license authorizes the license holder to sell, at retail, at the place described in the license:

(i) beer and wine for on–premises consumption; and

(ii) beer for off–premises consumption.

(d) (1) The Board may issue the license with a catering option.

(2) In addition to exercising the privileges stated in subsection (c)(3) of this section, a holder of a license with a catering option may sell beer and wine for consumption at events that the license holder caters off the licensed premises.

(3) To exercise the catering option, the license holder shall provide food at the catered event.

(4) The license holder may exercise the catering option only during the hours and days that the Board allows.

(e) The annual license fees are:

(1) $500 for a 6–day license without a catering option;

(2) $625 for a 6–day license with a catering option;

(3) $585 for a 7–day license without a catering option; and

(4) $710 for a 7–day license with a catering option.

(f) The Board shall:

(1) charge a one–time issuing fee for a new license in an amount equal to the annual license fee; and

(2) adopt regulations to carry out this section.

§21–805.

A Class C beer and wine license may not be issued in the county.

§21–806.

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

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) (1) The Board may issue the license with a catering option.

(2) In addition to exercising the privileges stated in subsection (b) of this section, a holder of a license with a catering option may sell beer and wine for consumption at events that the license holder caters off the licensed premises.

(3) To exercise the catering option, the license holder shall provide food at the catered event.

(4) The license holder may exercise the catering option only during the hours and days that the Board allows.

(d) The license may not be issued for use by a drugstore.

(e) The annual license fees are:

(1) $350 for a 6–day license without a catering option;

(2) $475 for a 6–day license with a catering option;

(3) $410 for a 7–day license without a catering option; and

(4) $535 for a 7–day license with a catering option.

(f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–901.

A Class A beer, wine, and liquor license may not be issued in the county.

§21–902.

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

(b) The Board shall deny an application for a license under this section if the Board determines that the business to be operated under this license will not enhance recreational, business, and economic development in the county.

(c) The Board may issue the license for use by a hotel or motel that:

(1) is an establishment to accommodate the public by providing customary hotel or motel services;

(2) has at least 10 rooms; and

(3) has a lobby with a registration and mail desk and seating facilities.

(d) The Board may issue the license for use by a restaurant that:

(1) has seating at tables, not including seats at bars or counters, for at least 20 individuals; and

(2) can prepare and serve full–course meals for at least 20 individuals at one seating.

(e) The license authorizes the license holder to sell at a hotel, motel, or restaurant at retail at the place described in the license:

(1) beer, wine, and liquor for on–premises consumption; and

(2) beer for off–premises consumption.

(f) (1) The catering option authorizes the license holder to sell beer, wine, and liquor for consumption at events catered by the license holder in the county off the licensed premises.

(2) A license holder providing alcoholic beverages at a catered event off the licensed premises shall also provide food.

(3) The license holder may exercise catering privileges only during hours and days that are authorized under the Class B license.

(g) The annual license fees are:

(1) $1,500 for a 6–day license without the catering option;

(2) $2,000 for a 6–day license with the catering option;

(3) $1,750 for a 7–day license without the catering option; and

(4) $2,250 for a 7–day license with the catering option.

(h) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–903.

(a) There is a Class BDR (deluxe restaurant) beer, wine, and liquor license.

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

(1) any Class B alcoholic beverages license issued by the Board; or

(2) an equivalent license that the local licensing board of a different jurisdiction issues only for use by a restaurant.

(c) (1) The Board may issue the license for use by a deluxe restaurant as defined by the Board with:

(i) seating at tables, not including seats at bars or counters, for at least 20 individuals; and

(ii) a capital investment of at least $250,000 for the restaurant facilities, not including the cost of land or buildings.

(2) If an applicant purchases or leases an existing building, the capital investment attributable to the cost of the land and improvements shall be based on the assessed value of the land and improvements in accordance with the records of the State Department of Assessments and Taxation at the time of purchase or lease.

(3) The license authorizes the license holder to sell, at retail, at the place described in the license:

(i) beer, wine, and liquor for on–premises consumption; and

(ii) beer for off–premises consumption.

(d) (1) A license holder of a Class BDR license may acquire a catering option that authorizes the license holder to sell beer, wine, and liquor for consumption at events catered by the license holder in the county off the licensed premises.

(2) A license holder providing alcoholic beverages at a catered event off the licensed premises shall also provide food.

(3) The license holder may exercise catering privileges only during hours and days that are authorized under the Class B license.

(e) The annual license fees are:

(1) $2,250 for a 6–day license without a catering option;

(2) $2,750 for a 6–day license with a catering option;

(3) $2,625 for a 7–day license without a catering option; and

(4) $3,125 for a 7–day license with a catering option.

(f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–903.1.

(a) There is a Class BDR–DC (deluxe complex restaurant) beer, wine, and liquor license.

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

(1) any Class B alcoholic beverages license issued by the Board; or

(2) an equivalent license that the local licensing board of a different jurisdiction issues only for use by a restaurant.

(c) (1) The Board may issue the license for use by a deluxe complex restaurant, as defined in the regulations of the Board, with:

(i) seating at tables, not including seats at bars or counters, for at least 20 individuals; and

(ii) a capital investment of at least $250,000 for the restaurant facilities, not including the cost of land or buildings.

(2) If an applicant purchases or leases an existing building, the capital investment attributable to the cost of the land and improvements shall be based on the assessed value of the land and improvements in accordance with the records of the State Department of Assessments and Taxation at the time of purchase or lease.

(3) The license authorizes the license holder to sell, at retail, at the place described in the license:

(i) beer, wine, and liquor for on–premises consumption; and

(ii) beer for off–premises consumption.

(d) (1) A license holder of a Class BDR–DC (deluxe complex restaurant) license may acquire a catering option that authorizes the license holder to sell beer, wine, and liquor for consumption at events catered by the license holder in the county off the licensed premises.

(2) A license holder providing alcoholic beverages at a catered event off the licensed premises shall also provide food.

(3) The license holder may exercise catering privileges only during hours and days that are authorized under the Class B license.

(e) The annual license fees are:

(1) $2,250 for a 6–day license without a catering option;

(2) $2,750 for a 6–day license with a catering option;

(3) $2,625 for a 7–day license without a catering option; and

(4) $3,125 for a 7–day license with a catering option.

(f) The Board shall:

(1) charge a one–time issuing fee for a new license in an amount equal to the annual license fee; and

(2) adopt regulations to carry out this section.

§21–904.

(a) In this section, "guest" means an individual who is specifically invited by a member of a club or an organization where the member of the club or organization is in attendance.

(b) There is a Class C (club and organization) beer, wine, and liquor license.

(c) (1) Before issuing a license, the Board shall determine whether the business to be operated by the prospective license holder is likely to enhance the recreational, business, and economic development of the county.

(2) If the Board determines that the issuance of a license will not enhance recreational, business, and economic development in the county, the Board shall deny the application for the license.

(d) The Board may issue the license for use by:

(1) a nationally chartered nonprofit organization or club that:

(i) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;

(ii) has been incorporated for at least 5 years immediately before the application for the license is made;

(iii) operates only for the use of its members and guests when accompanied by members; and

(iv) meets in a clubhouse that is used principally for club purposes;

(2) a lodge or chapter of a nonprofit and nationally chartered fraternal organization that:

(i) is composed of inducted members;

(ii) has at least 100 members paying the dues that were required by its national organization in the year immediately before the year for which the license is issued; and

(iii) operates a home or clubhouse:

1. for the use of its members; and

2. that has facilities for preparing and serving food on the premises to members and guests;

(3) a boat or yacht club that:

(i) owns real estate in the county; and

(ii) has at least 150 dues–paying members, at least 50 of whom own a yacht, boat, or other vessel; and

(4) a country club that:

(i) has at least 75 members paying dues of at least $40 per year per member; and

(ii) maintains at the time of filing the application for the license:

1. a regular or championship golf course of at least nine holes; or

2. a swimming pool that is at least 20 by 40 feet and at least six tennis courts.

(e) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license to the members and guests of the clubs and organizations, for on–premises consumption.

(f) (1) This subsection applies only in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales.

(2) The license holder may sell beer, wine, and liquor on Sunday during the hours as set out under § 21–2004(d)(2) of this title.

(g) The annual license fees are:

(1) $1,500 for a 6–day license; and

(2) $1,750 for a 7–day license.

§21–905.

(a) (1) There is:

(i) a Class D (75% on–sale) beer, wine, and liquor license; and

(ii) a Class D (75% off–sale) beer, wine, and liquor license.

(2) The Board may not issue a license under this section to a grocery store whose primary business is to sell food at retail to the public for off–premises consumption.

(b) The Board shall issue the license for on–premises consumption for use by an establishment whose total beer, wine, and liquor sales are at least 75% on–premises consumption and not more than 25% off–premises consumption.

(c) The Board shall issue the license for off–sale consumption for use by an establishment whose total beer, wine, and liquor sales are at least 75% off–premises consumption and not more than 25% on–premises consumption.

(d) (1) A holder of the license with a catering option may sell beer, wine, and liquor for consumption at events that the holder caters off the licensed premises during the hours and days that the Board allows.

(2) The license holder shall provide food if the license holder provides alcoholic beverages at a catered event off the licensed premises.

(e) The annual license fees are:

(1) $1,500 for a 6–day (on–sale) license without a catering option;

(2) $2,000 for a 6–day (on–sale) license with a catering option;

(3) $3,000 for a 6–day (off–sale) license;

(4) $1,750 for a 7–day (on–sale) license without a catering option;

(5) $2,250 for a 7–day (on–sale) license with a catering option; and

(6) $3,500 for a 7–day (off–sale) license.

(f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§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 commercially 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) of 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.

§21–1001.1.

(a) There is a barbershop and beauty salon beer and wine license.

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

(1) a barbershop permit issued under § 4–501 of the Business Occupations and Professions Article; or

(2) a beauty salon permit issued under § 5–501 of the Business Occupations and Professions Article.

(c) The license authorizes the license holder to provide not more than two 12–ounce offerings of beer or two 6–ounce offerings of wine by the glass for on–premises consumption by a customer while the customer:

(1) is provided a barbering service under § 4–101(l) of the Business Occupations and Professions Article;

(2) is provided a cosmetology service under § 5–101(n) of the Business Occupations and Professions Article; or

(3) is attending a fund–raising event at the barbershop or beauty salon.

(d) The license holder:

(1) may provide beer and wine during normal business hours but not later than 9 p.m.; and

(2) may provide beer and wine on a Sunday in any election district or precinct of an election district in which the voters in a referendum authorized by law approved Sunday sales.

(e) An establishment for which the license is issued is subject to the alcohol awareness training requirements under § 4–505 of this article.

(f) The annual license fee is $200.

(g) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–1001.2.

(a) There is a Class B–B&B (bed and breakfast) beer, wine, and liquor license.

(b) The Board may issue the license for the use of a bed and breakfast that:

(1) is registered by the county to operate as a bed and breakfast;

(2) has rooms, excluding the resident management quarters, that the public for consideration may use for sleeping accommodations for a specified time; and

(3) does not have dining facilities that are open to the public.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption only to a guest:

(i) whose name and address appear on the registry that the bed and breakfast maintains; and

(ii) who is an occupant of a sleeping room in the bed and breakfast.

(2) The license holder may not sell beer, wine, and liquor to an individual who is registered only to obtain alcoholic beverages.

(3) If the establishment ends operations as a bed and breakfast, the license is void.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 21–2004 of this title.

(e) The annual license fees are:

(1) $25 for a 6–day bed and breakfast with 5 or fewer bedrooms;

(2) $50 for a 6–day bed and breakfast with at least 6 but not more than 10 bedrooms;

(3) $75 for a 6–day bed and breakfast with 11 or more bedrooms;

(4) $30 for a 7–day bed and breakfast with 5 or fewer bedrooms;

(5) $60 for a 7–day bed and breakfast with at least 6 but not more than 10 bedrooms; and

(6) $90 for a 7–day bed and breakfast with 11 or more bedrooms.

(f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–1001.3.

(a) There is a gift basket permit.

(b) (1) The Board may issue the permit to a person:

(i) whose primary business is the sale and delivery of:

1. flowers; or

2. gift baskets of flowers, food, or other items; and

(ii) who does not hold any other alcoholic beverages license or permit under this article.

(2) The Board may not issue the permit for use in conjunction with or on the premises of a chain store, supermarket, or discount house.

(c) A holder of the permit:

(1) may sell and deliver, to consumers of a legal drinking age located in the county, gift baskets containing:

(i) not more than 72 ounces of beer;

(ii) not more than 2.25 liters of wine; or

(iii) not more than 2.25 liters of liquor; and

(2) shall maintain records and submit reports as required by the Board.

(d) (1) Subject to paragraph (2) of this subsection, the permit holder or an employee of the permit holder shall:

(i) deliver the gift basket containing alcoholic beverages; and

(ii) require the person receiving a delivery of a gift basket containing alcoholic beverages to display proof that the person is at least 21 years old.

(2) An individual who delivers a gift basket containing alcoholic beverages shall be at least 21 years old.

(e) The holder's annual sales from alcoholic beverages may not exceed 10% of the holder's annual gross sales.

(f) The alcoholic beverages contained in a gift basket shall be purchased from a wholesaler or a retail license holder.

(g) The Board shall adopt regulations to carry out this section.

(h) (1) The fee for a gift basket permit is $100.

(2) The Board shall charge a one–time issuing fee for a new permit in an amount equal to the annual permit fee.

§21–1002.

(a) There is a Class B–resort beer license.

(b) The Board may issue the license to a license holder for a complex that has at least two facilities that are:

(1) located on the same contiguous property;

(2) separated by at least 150 feet from the main area of the licensed premises; and

(3) determined by the Board to be hotel, motel, recreational, or restaurant facilities.

(c) The license authorizes the license holder to sell beer for on– or off–premises consumption at a hotel, motel, recreational, or restaurant facility at retail at the place described in the license.

(d) The license holder may sell beer during the hours and days as set out for a Class B beer license under § 21–2002 of this title.

(e) The annual license fees are:

(1) $300 for a 6–day license for two facilities;

(2) $150 for each additional facility for a 6–day license;

(3) $350 for a 7–day license for two facilities; and

(4) $175 for each additional facility for a 7–day license.

(f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–1002.1.

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

(b) The Board may issue the license to a license holder for a complex that has at least two facilities that are:

(1) located on the same contiguous property;

(2) separated by at least 150 feet from the main area of the licensed premises; and

(3) determined by the Board to be hotel, motel, recreational, or restaurant facilities.

(c) The license authorizes the license holder to sell at a hotel, motel, recreational, or restaurant facility at retail at the place described in the license:

(1) beer and wine for on–premises consumption; and

(2) beer for off–premises consumption.

(d) The license holder may sell beer and wine during the hours and days as set out for a Class B beer and wine license under § 21–2003 of this title.

(e) The annual license fees are:

(1) $700 for a 6–day license for two facilities;

(2) $350 for each additional facility for a 6–day license;

(3) $820 for a 7–day license for two facilities; and

(4) $410 for each additional facility for a 7–day license.

(f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–1002.2.

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

(b) The Board may issue the license to a license holder for a complex that has at least two facilities that are:

(1) located on the same contiguous property;

(2) separated by at least 150 feet from the main area of the licensed premises; and

(3) determined by the Board to be hotel, motel, recreational, or restaurant facilities.

(c) The license authorizes the license holder to sell at a hotel, motel, recreational, or restaurant facility at retail at the place described in the license:

(1) beer, wine, and liquor for on–premises consumption; and

(2) beer for off–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 21–2004 of this title.

(e) The annual license fees are:

(1) $3,000 for a 6–day license for two facilities;

(2) $1,500 for each additional facility for a 6–day license;

(3) $3,500 for a 7–day license for two facilities; and

(4) $1,750 for each additional facility for a 7–day license.

(f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

§21–1002.3.

(a) There is a Class BRC–resort complex beer and wine license.

(b) The Board may issue the license to a license holder for a complex that has at least two facilities that are:

(1) located on the same contiguous property;

(2) separated by at least 150 feet from the main area of the licensed premises; and

(3) determined by the Board to be hotel, motel, recreational, or restaurant facilities.

(c) The license authorizes the license holder to sell at a hotel, motel, recreational, or restaurant facility at retail at the place described in the license:

(1) beer and wine for on–premises consumption; and

(2) beer for off–premises consumption.

(d) The license holder may sell beer and wine during the hours and days as set out for a Class B beer and wine license under § 21–2003 of this title.

(e) The annual license fees are:

(1) $700 for a 6–day license for two facilities;

(2) $350 for each additional facility for a 6–day license;

(3) $820 for a 7–day license for two facilities; and

(4) $410 for each additional facility for a 7–day license.

(f) The Board shall:

(1) charge a one–time issuing fee for a new license in an amount equal to the annual license fee; and

(2) adopt regulations to carry out this section.

§21–1002.4.

(a) There is a Class BRC–resort complex beer, wine, and liquor license.

(b) The Board may issue the license to a license holder for a complex that has at least two facilities that are:

(1) located on the same contiguous property;

(2) separated by at least 150 feet from the main area of the licensed premises; and

(3) determined by the Board to be hotel, motel, recreational, or restaurant facilities.

(c) The license authorizes the license holder to sell at a hotel, motel, recreational, or restaurant facility at retail at the place described in the license:

(1) beer, wine, and liquor for on–premises consumption; and

(2) beer for off–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 21–2004 of this title.

(e) The annual license fees are:

(1) $3,000 for a 6–day license for two facilities;

(2) $1,500 for each additional facility for a 6–day license;

(3) $3,500 for a 7–day license for two facilities; and

(4) $1,750 for each additional facility for a 7–day license.

(f) The Board shall:

(1) charge a one–time issuing fee for a new license in an amount equal to the annual license fee; and

(2) adopt regulations to carry out this section.

§21–1101.

(a) Section 4–1103 ("Removal of partially consumed bottle of wine from licensed premises") of Division I of this article applies in the county without exception or variation.

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"), in addition to § 21–1102 of this subtitle;

(2) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 21–1104 of this subtitle;

(3) § 4–1105 ("Refillable container permit — Wine"), subject to § 21–1104.1 of this subtitle; and

(4) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 21–1104.2 of this subtitle.

§21–1102.

Section 4–1102 of this article also applies to an individual in an establishment for which a Class B–B&B (bed and breakfast) license is issued.

§21–1103.

(a) There is a draft beer permit.

(b) To sell draft beer, a license holder of an establishment for which a license to sell beer has been issued shall obtain a draft beer permit from the Board.

(c) (1) Except as provided in paragraph (2) of this subsection, the permit fees are:

(i) $75 for the issuing fee; and

(ii) $75 for the annual fee.

(2) A holder of a Class B–resort license shall pay:

(i) $150 for the annual fee for two facilities;

(ii) $75 for the annual fee for each additional facility; and

(iii) an issuing fee for each new draft beer permit in an amount equal to the annual fee.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both.

§21–1104.

(a) The Board may issue a refillable container permit for draft beer to a holder of a draft beer permit who also holds any other license except a Class A license or a Class C license.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both.

§21–1104.1.

(a) The Board may issue a refillable container permit for wine to a holder of a license that entitles the holder to sell wine for off–premises consumption.

(b) (1) The annual permit fee is $75.

(2) The Board shall charge a one–time issuing fee for a new permit in an amount equal to the annual permit fee.

§21–1104.2.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a draft beer permit who also holds any other license except a Class A license or a Class C license.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both.

§21–1105.

(a) There is a commemorative or special event bottle privilege.

(b) The Board may grant the privilege to a holder of:

(1) a Class C 2–day, 6–day, or 12–day license;

(2) a Class C multiple event license; or

(3) a license that has a catering option and that is:

(i) a Class B beer and wine license or Class B beer, wine, and liquor license;

(ii) a Class BDR beer and wine license or Class BDR beer, wine, and liquor license;

(iii) a Class B Resort beer, wine, and liquor license;

(iv) a Class D beer and wine license; or

(v) a Class D beer, wine, and liquor license.

(c) The privilege authorizes the license holder to sell the alcoholic beverages authorized by the license in commemorative or special event bottles for off–premises consumption if:

(1) the privilege is exercised at a catered event or an event held by a holder of a Class C 2–day, 6–day, or 12–day license or a Class C multiple event license;

(2) the Board approves the commemorative or special event bottles before the event occurs; and

(3) the commemorative or special event bottles are sold only on the hours and days that the Board allows.

(d) There is no charge for the privilege.

§21–1201.

(a) There is a local caterer's license.

(b) (1) The Board may issue the license to a person that:

(i) has facilities to prepare and deliver food to the site of a catered event;

(ii) obtains approval of the facilities from the county Department of Health; and

(iii) does not hold any other license that the Board issues.

(2) A license holder is not required to have a banquet hall.

(c) The license authorizes a holder to:

(1) sell or provide off–sale alcoholic beverages during a catered event; and

(2) exercise the privileges of the license only during the hours and on the days that are authorized for a Class B beer, wine, and liquor license.

(d) The license holder may not:

(1) hold a catered event that the license holder sponsors; or

(2) provide only alcoholic beverages at a catered event.

(e) The license holder shall:

(1) purchase all alcoholic beverages from a wholesaler or retail dealer licensed to sell alcoholic beverages in the county;

(2) contract for and provide food for consumption at the catered event;

(3) during the catered event, ensure that at least one individual on the site is certified by an alcohol awareness program under § 4–505 of this article; and

(4) at the end of the catered event, return all containers of alcoholic beverages that are not empty to the license holder's principal place of business.

(f) (1) The issuing fee that is charged for each new license is $500.

(2) The annual license fee is $500.

§21–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1206 ("License to dispose of stock");

(3) § 4–1207 ("Temporary move of licensed premises");

(4) § 4–1208 ("Hours and days of sale"); and

(5) § 4–1209 ("Wine permit for fund–raising event").

(b) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article do not apply in the county and are superseded by §§ 21–1309, 21–1310, and 21–1312 of this subtitle:

(1) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(2) § 4–1204 ("Class C per diem beer, wine, and liquor license"); and

(3) § 4–1205 ("License fees").

§21–1304.

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

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

(3) An applicant for the license shall submit an application on the form that the Board provides.

(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;

(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:

(1) hold a hearing on a license application;

(2) publish notice of the license application hearing one time at least 7 days before the hearing;

(3) choose a fixed period of time for the festival of up to 3 consecutive days, excluding Sunday; and

(4) choose 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.

(j) The Board shall set the fee.

(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:

(1) hold a hearing on a license application; and

(2) publish notice of the license application hearing one time at least 7 days before the hearing.

(g) A license holder may purchase beer and wine from a holder of a retail or wholesaler's 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 $50 per day.

(m) The Board shall adopt regulations to carry out this section.

§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 for a fixed period of time of up to 3 consecutive days.

(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 not more than four beer and wine festival licenses 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) An applicant for the license shall submit an application on the form that the Board provides.

(f) 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.

(g) 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.

(h) The Board shall:

(1) hold a hearing on a license application; and

(2) publish notice of the license application hearing one time at least 7 days before the hearing.

(i) (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.

(j) 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.

(k) A holder of a retail license or State wholesaler's 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.

(l) The Board shall establish the license fee.

(m) The Board shall adopt regulations to carry out this section.

§21–1304.3.

(a) (1) In this section the following words have the meanings indicated.

(2) "Festival" means the Garrett County Beer, Wine, and Liquor 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 beer, wine, and liquor festival license.

(2) Under the supervision of the Board, the festival organization may conduct the festival annually for a fixed period of time of up to 3 consecutive days.

(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 not more than four beer, wine, and liquor festival licenses each year.

(d) (1) The Board may issue the beer, wine, and liquor festival 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.

(2) An applicant for the license shall submit an application on the form that the Board provides.

(e) The license authorizes the license holder to display and sell beer, wine, and liquor 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, wine, and liquor:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the festival.

(g) The Board shall:

(1) hold a hearing on a license application; and

(2) publish notice of the license application hearing 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, wine, and liquor 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 wholesaler's license may enter into an agreement with the holder of the beer, wine, and liquor festival license to:

(1) deliver beer, wine, and liquor 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 beer, wine, and liquor festival license fee.

(l) The Board shall adopt regulations to carry out this section.

§21–1305.

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

(2) The Board may issue not more than four wine festival licenses each year.

(3) An applicant for the license shall submit an application on the form that the Board provides.

(b) The Board may issue the license to:

(1) a holder of a retail license, Class 3 winery license, or Class 4 limited winery license; or

(2) 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 wine 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 shall display and sell wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the wine festival.

(e) The Board shall:

(1) hold a hearing on each license application; and

(2) publish notice of the license application hearing one time at least 7 days before the hearing.

(f) (1) Subject to paragraph (3) of this subsection, each year the Board shall choose up to 3 consecutive days for the wine festival.

(2) The Board shall choose a location that is not already licensed.

(3) A day chosen for the wine festival may not:

(i) be a Sunday; or

(ii) fall on the same weekend as the Maryland Wine Festival in Carroll County.

(g) Notwithstanding subsection (f)(3)(i) of this section, a holder of a wine festival license issued for use in a location where Sunday sales are allowed may make Sunday sales beginning at 10 a.m.

(h) Wine displayed and sold shall be:

(1) invoiced to the license holder by a wholesaler, Class 3 winery, or Class 4 limited winery; and

(2) delivered to the wine festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(i) A holder of a State wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder to:

(1) deliver 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.

(j) The Board shall establish the license fee.

(k) The Board shall adopt regulations to carry out this section.

§21–1306.

(a) There is a beer and wine tasting license.

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

(c) The license authorizes the holder to allow the consumption of beer or wine for tasting if:

(1) the license holder is authorized to sell the beer or wine;

(2) the consumer is not charged for the beer or wine; and

(3) the tasting does not occur during the Maryland Wine Festival in Carroll County.

(d) The Board shall regulate:

(1) the quantity of beer or wine served to each individual; and

(2) the number of bottles of beer or wine from which this quantity is served.

(e) In addition to the cost of the beer, wine, and liquor license or the beer and wine license, the Board shall charge:

(1) an annual license fee of $100; and

(2) an issuing fee of $100.

§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

(ii) the annual fee for the underlying beer, wine, and liquor license.

(f) The Board shall adopt regulations to carry out this section.

§21–1308.

§21–1309.

(a) The Board may issue a Class C multiple day beer license, beer and wine license, and beer, wine, and liquor license to a nonprofit organization for the following fees and license types:

(1) $50 for a 2–day license;

(2) $150 for a 6–day license; and

(3) $300 for a 12–day license.

(b) The license holder may hold another license issued by the Board that is of a different class or nature.

(c) The Board is not required to hold a hearing before issuing a license under this section if a license holder anticipates attendance of fewer than 500 individuals at an event.

§21–1310.

(a) The Board may issue a multiple event license to a nonprofit organization that qualifies for a Class C multiple day license.

(b) The Board may not issue more than one multiple event license to a nonprofit organization in a license year.

(c) The license holder may hold another license issued by the Board that is of a different class or nature.

(d) (1) The Board shall publish a notice for application for the license one time at least 7 days before a license hearing.

(2) A license holder shall notify the Board in writing at least 7 days before an event for which the license is to be used.

(e) The nonprofit organization for which a multiple event 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.

(f) The nonprofit organization for which a multiple event license is issued may cater functions on their premises.

(g) The fee for a Class C multiple event license is:

(1) $125 for not more than 5 events per year;

(2) $250 for not more than 12 events per year;

(3) $375 for not more than 18 events per year; and

(4) $500 for not more than 24 events per year.

§21–1311.

(a) This section applies only to the holder of a multiple event license who has an approved licensed premises.

(b) Alcoholic beverages may be stored between individual licensed events on the licensed premises or in a storage area that the Board approves if the alcoholic beverages:

(1) are in a specially identified locked and secured location; and

(2) are not sold or consumed except during licensed event hours for licensed event purposes.

(c) (1) A license holder shall keep complete and accurate records of all alcoholic beverages purchased and sold on the licensed premises.

(2) The records shall be:

(i) maintained on the licensed premises for 2 years; and

(ii) available for inspection by authorized personnel of the Comptroller, the Executive Director, and the Board.

(3) The records shall include a completed pre– and post–inventory of all alcoholic beverages for each individual event.

(d) Authorized personnel of the Comptroller, the Executive Director, and the Board may inspect the premises of a license holder as provided under § 6–202 of this article.

§21–1312.

A holder of a Class C per diem beer, wine, and liquor license may purchase alcoholic beverages from a wholesaler or a retailer.

§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) § 4–110 ("Required information on application – Petition of support");

(8) § 4–113 ("Refund of license fees"); and

(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 § 21–1408 of this subtitle;

(3) § 4–111 ("Payment of license fees"), subject to § 21–1406 of this subtitle; and

(4) § 4–112 ("Disposition of license fees"), subject to § 21–1407 of this subtitle.

§21–1402.

The requirements for a criminal history records check under § 4–107 of this article, which apply to an applicant for a license, also apply to a shareholder, a member, a partner, an owner, or any other person with an ownership interest in an entity for which a license application is made.

§21–1403.

The Board shall keep all criminal history record information in a sealed envelope available only to the members of the Board and their clerks.

§21–1404.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

§21–1405.

The Board may set and charge a fee to cover the costs of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

§21–1406.

The following license holders are exempt from paying an issuing fee for a new license:

(1) a corporation holding a license that has a 50% or less change of its corporate officers;

(2) a nonprofit corporation, fraternal and civic organization, or group holding a license, regardless of the percent of change of its corporate officers; and

(3) a subsequent license holder of a license of a deceased license holder if the subsequent license holder is the spouse or sibling of the deceased license holder.

§21–1407.

For licensed premises located within a municipality, the Board shall pay 50% of the license fee or $500, whichever is less, to the mayor and council of the municipality in which the licensed premises is located.

§21–1408.

(a) At the time an application for an alcoholic beverages license is filed, at least one of the applicants shall be a resident of the State.

(b) The license remains valid only for as long as at least one of the applicants remains a resident of the State.

§21–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–208 ("Notice of license application required");

(5) § 4–210 ("Approval or denial of license application");

(6) § 4–211 ("License forms; effective date; expiration");

(7) § 4–212 ("License not property"); and

(8) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to § 21–1502 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 21–1503 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 21–1503 of this subtitle;

(4) § 4–209 ("Hearing"), subject to § 21–1309 of this title; and

(5) § 4–213 ("Replacement licenses"), subject to § 21–1504 of this subtitle.

§21–1502.

The Board may adopt regulations that authorize any holder of a Class B, Class C, or Class D license to sell the alcoholic beverages specified by the license for off–premises consumption.

§21–1503.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§21–1504.

(a) The Board may authorize a license holder to install an additional bar or serving counter within a reasonable distance of the main building of the licensed premises.

(b) The Board shall determine what is a reasonable distance for an additional bar or serving counter.

(c) An additional license is not required for an additional bar or serving counter.

§21–1505.

The fee for a replacement license is $10.

§21–1601.

§21–1602.

§21–1603.

§21–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory");

(2) § 4–303 ("Chain store, supermarket, or discount house");

(3) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(4) § 4–306 ("Substitution of names of officers on license").

(b) Section 4–305 ("Filing fee and endorsement") of Division I of this article applies in the county, subject to § 21–1702 of this subtitle.

§21–1702.

The fee for a transfer of a license is $200, in addition to the costs of publication and notice.

§21–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–404 ("Filing period for renewal application");

(4) § 4–405 ("Contents of renewal application");

(5) § 4–406 ("Protests");

(6) § 4–407 ("Denial of renewal application");

(7) § 4–409 ("Multiple licenses"); and

(8) § 4–410 ("Chain store, supermarket, or discount house").

(b) Section 4–408 ("Issuance of renewed licenses") of Division I of this article does not apply in the county and is superseded by § 21–1802 of this subtitle.

§21–1802.

(a) The Board may issue renewed licenses annually between June 15 and June 30, inclusive.

(b) All renewed licenses shall be dated July 1.

§21–1803.

The Board may renew a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license originally issued to a holder of an out–of–state alcoholic beverages license.

§21–1804.

The requirement for a criminal history records check under § 4–107 of this article may apply to an applicant for a license renewal.

§21–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–505 ("Alcohol awareness program");

(4) § 4–506 ("Evidence of purchaser's age"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 21–1902 of this subtitle; and

(2) § 4–507 ("Retail delivery of alcoholic beverages"), subject to § 21–1903 of this subtitle.

§21–1902.

(a) Except as provided in subsection (b) of this section, a license holder may not employ an individual under the age of 21 years to sell or deliver alcoholic beverages.

(b) A license holder may employ an individual at least 18 years old to:

(1) serve and sell alcoholic beverages in a restaurant in connection with the serving or selling of a meal;

(2) serve alcoholic beverages from a service bar to a seated customer; or

(3) operate a lottery ticket terminal in a premises for which a Class A license has been issued.

(c) A license holder may not employ an individual under the age of 18 years to handle alcoholic beverages.

§21–1903.

(a) The Board may issue a delivery option that entitles a license holder or an authorized employee of the license holder to make an off–site retail delivery of alcoholic beverages if:

(1) the deliverer is at least 21 years old and certified by an approved alcohol awareness program; and

(2) the deliverer and purchaser endorse a delivery form that the Board approves, certifying that:

(i) the individual who received the delivery claimed to be at least 21 years old, and the claim was supported by documentary evidence;

(ii) the individual who received the delivery knew that it is a criminal offense for alcoholic beverages to be given to an individual under the age of 21 years; and

(iii) the deliverer examined the purchaser's identification.

(b) Each delivery form endorsed under subsection (a)(2) of this section shall be submitted to the Board on or before the 10th day of the month following delivery.

(c) (1) The annual fee for a delivery option is $150.

(2) In addition to an annual fee, the Board shall charge an initial issuing fee of $150.

(d) The Board shall adopt regulations to carry out this section.

§21–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§21–2002.

(a) This section does not apply to the hours of sale on December 31 and January 1 set out in § 21–2007 of this subtitle.

(b) A holder of a Class A beer license may sell beer on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class B beer license may sell beer on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(d) Reserved.

(e) A holder of a Class D beer license may sell beer on Monday through Saturday from 6 a.m. to 2 a.m. the following day.

(f) Sunday sales for a Class A, Class B, or Class D license are allowed from 6 a.m. to midnight in:

(1) election districts 11 and 15; and

(2) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this subsection.

§21–2003.

(a) This section does not apply to the hours of sale on December 31 and January 1 set out in § 21–2007 of this subtitle.

(b) (1) A holder of a Class A beer and wine license may sell beer and wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from 6 a.m. to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

(c) (1) A holder of a Class B beer and wine license may sell beer and wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from 6 a.m. to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

(d) Reserved.

(e) (1) A holder of a Class D beer and wine license may sell beer and wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from 6 a.m. to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

§21–2004.

(a) This section does not apply to the hours of sale on December 31 and January 1 set out in § 21–2007 of this subtitle.

(b) Reserved.

(c) (1) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from 6 a.m. to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

(d) (1) A holder of a Class BDR (deluxe restaurant) beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from 6 a.m. to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

(e) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from 6 a.m. to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district in which the voters by referendum approve Sunday sales.

(f) (1) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from 6 a.m. to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

§21–2005.

(a) Subject to subsection (b) of this section, a holder of a Class E water vessel license operating on State waters in the county may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(b) The Board shall determine when the license holder shall stop selling alcoholic beverages on December 31 and the morning of January 1, regardless of the days of the week on which these dates fall.

§21–2006.

(a) This section applies in:

(1) election districts 11 and 15; and

(2) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this section.

(b) (1) This section applies only to off–premises sales by:

(i) a holder of a Class A license;

(ii) a holder of a Class B license, including a Class B&B license, Class BDR license, and Resort license;

(iii) a holder of a multiple day or multiple event license; and

(iv) a holder of a Class D license.

(2) A holder of a license listed in paragraph (1) of this subsection may sell alcoholic beverages for off–premises consumption on a Sunday if the license holder may sell alcoholic beverages for off–premises consumption for the underlying license.

(c) (1) This subsection applies to on–premises sales by:

(i) a holder of a Class B license, including a Class B&B license, Class BDR license, and Resort license;

(ii) a holder of a Class C license;

(iii) a holder of a multiple day or multiple event license; and

(iv) a holder of a Class D license.

(2) A holder of a license specified in paragraph (1) of this subsection may sell alcoholic beverages for on–premises consumption on Sunday if the license

holder is authorized by the underlying license to sell alcoholic beverages for on–premises consumption.

(3) Sunday sales authorized under this subsection are from 6 a.m. to midnight.

§21–2007.

The Board shall determine when a license holder shall stop selling alcoholic beverages on December 31 and the morning of January 1, regardless of the days of the week on which these dates fall.

§21–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board"); and

(2) § 4–603 ("Revocation and suspension procedures").

(b) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county:

(1) § 4–604 ("Grounds for revocation or suspension"), subject to § 21–2102 of this subtitle;

(2) § 4–605 ("Nudity and sexual displays"), subject to § 21–2103 of this subtitle; and

(3) § 4–606 ("Effects of revocation"), subject to § 21–2104 of this subtitle.

§21–2102.

(a) In addition to the grounds for suspension in § 4–604 of this article, the Board may suspend a license for a time not exceeding 1 year for:

(1) the sale of alcoholic beverages to an individual under the age of 21 years; or

(2) the sale on Sunday of alcoholic beverages in an election district or a precinct of an election district in which Sunday sales have not been authorized by a voter referendum.

(b) The decision of the Board is conclusive.

§21–2103.

Notwithstanding the mandatory revocation requirement for local licensing boards under § 4–605(a) of this article, after a finding that an activity listed under § 4–605(b) through (e) of this article has occurred, the Board may decide whether to revoke a license.

§21–2104.

In exercising the authority conferred on the Board under § 4–606 of this article, if the Board revokes a license for conviction of the license holder for a violation of this article or the Tax – General Article that relates to the alcoholic beverage tax, the Board may not issue a license until 2 years after the revocation:

(1) to the same license holder; or

(2) for the same premises.

§21–2201.

(a) Section 4–702(a) ("On death of license holder") of Division I of this article applies in the county without exception or variation.

(b) The following sections of Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article do not apply in the county:

(1) § 4–702(b) ("After vacation of or eviction from premises");

(2) § 4–703 ("Pending or approved transfers or continuation of business");

(3) § 4–704 ("License for premises acquired for public use"); and

(4) § 4–705 ("Postponement to avoid hardship").

§21–2202.

(a) A license expires 6 months after the license holder has closed the business or stopped active alcoholic beverages business operations at the premises for which the license is held unless:

(1) an application for approval of a transfer to another location or another person under Subtitle 17 of this title has been approved or is pending;

(2) an application for a certificate of permission or a renewal license for continuation of business under Subtitle 23 of this title has been approved or is pending; or

(3) a written request for a hardship extension under subsection (b) of this section is filed within the 6–month period.

(b) Except as provided in subsection (d) of this section:

(1) the license holder or another appropriate interested party may make a written request to the Board to extend the life of the license due to hardship;

(2) submission of a request under item (1) of this subsection shall automatically extend the life of the license for 1 year after the date of the closing or stopping of business operations; and

(3) a hardship extension may not prolong the life of an inactive license beyond the total of:

(i) 1 year after the date of closing or stopping of alcoholic beverages business operations at the premises for which the license is held; and

(ii) any time period during which the license is suspended under subsection (a)(1) or (2) of this section.

(c) (1) The period for which a license may be considered unexpired:

(i) begins at the earlier of the closing of the business or stopping of alcoholic beverages business operations; and

(ii) may be suspended only by filing an application or request under subsection (a) of this section.

(2) The expiration period resumes on the last to occur of the following events:

(i) final action of the Board denying an application described in subsection (a)(1) or (2) of this section;

(ii) final judgment of the reviewing court if judicial review of the Board's action on an application or request authorized by subsection (a)(1) or (2) of this section has affirmed the Board's action; or

(iii) dismissal of a petition for judicial review of the Board's action.

(3) If an application or request described in subsection (a) or (b) of this section is withdrawn:

(i) the period for automatic expiration of the license may not be suspended on the basis of the withdrawn application or request; and

(ii) the application or request shall be considered as if it had not been filed.

(d) If a licensed premises is forced to close because of a casualty loss, the Board, without circuit court approval, may extend the license for not more than 2 years after the closing.

§21–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

§21–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§21–2501.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§21–2502.

(a) Alcoholic beverages may not be brought into an establishment and consumed or transferred if the establishment is a place of adult entertainment of the type prohibited under § 4–605 of this article.

(b) (1) A person who operates a place of adult entertainment who knowingly allows a violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $5,000 for each violation.

(2) Each day of operation in violation of this section is a separate violation.

§21–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–205 ("Peace officers");

(5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(7) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(8) § 6–209 ("Adoption of standards for authorization of consumption"); and

(9) § 6–211 ("Fines and forfeitures").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 21–2602 of this subtitle.

§21–2602.

The county may:

(1) adopt an ordinance or a resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

§21–2603.

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

§21–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 ("Maximum alcohol content");

(12) § 6–317 ("Multiple serving purchase required");

(13) § 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder");

(14) § 6–320 ("Disorderly intoxication");

(15) § 6–321 ("Consumption of alcoholic beverages in public");

(16) § 6–322 ("Possession of open container");

(17) § 6–323 ("Possession or use of Alcohol Without Liquid machine");

(18) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");

(19) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");

(20) § 6–328 ("Tax evasion");

(21) § 6–329 ("Destruction of evidence"); and

(22) § 6–330 ("Perjury").

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 21–2702 of this subtitle; and

(2) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 21–2703 of this subtitle.

§21–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§21–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§21–2704.

A license holder may not allow an individual under the age of 21 years to loiter about the premises for which the license is issued.

§21–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§21–2802.

The Board may impose a fine not exceeding $5,000 or suspend a license for a violation of the alcoholic beverages laws affecting the county.

§22–101.

(a) In this title:

(1) except as provided in subsection (e) 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 Harford County.

(c) "County" means Harford County.

(d) "Premises" includes all integral parts of the licensed premises, including any building, parking lot, terrace, and grounds.

(e) The definition of "restaurant" under § 1–101 of this article applies in the county, subject to § 22–103 of this subtitle.

§22–102.

This title applies only in Harford County.

§22–103.

(a) To be considered a restaurant, an establishment shall meet the requirements of this section.

(b) The Board and the County Department of Health shall approve the sanitary facilities, running hot and cold water, equipment for the proper cleaning of dishes and kitchenware, and adequate number of toilets in the establishment.

(c) The establishment shall have one or more signs in front of the establishment that:

(1) designate "restaurant" or food and beverages sold; and

(2) do not advertise any other business.

(d) The establishment shall have sufficient food on the premises at all times for the regular serving of meals.

(e) An establishment that serves food and alcoholic beverages and has gross monthly receipts from the sale of food that average $1,500 or more may not be required to sell food in excess of one–half of the average monthly receipts from the sale of alcoholic beverages.

§22–104.

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§22–201.

There is a Board of License Commissioners for Harford County.

§22–202.

(a) The County Executive shall appoint five members to the Board in accordance with this section.

(b) (1) (i) At least 60 days before the expiration of a member's term, the County Executive shall submit the name of one nominee to the Harford County Delegation to the Maryland General Assembly, consisting of Harford County Senators and Delegates, for the advice and consent of the Delegation.

(ii) The County Executive shall consider geographical representation in selecting nominees.

(2) Within 7 working days after the Delegation receives the name of the nominee:

(i) the Delegation shall approve or reject the nominee; or

(ii) if the Delegation fails to act, the nominee shall be considered to have been approved.

(3) If the Delegation rejects the nominee, the County Executive shall submit the name of a new nominee to the Delegation within 7 working days after the County Executive receives notice of the rejection.

(4) The County Executive shall continue to submit names of nominees in accordance with paragraphs (2) and (3) of this subsection to the Delegation until a nominee is approved.

(5) The County Executive shall submit the name of the approved nominee to the County Council for its advice and consent.

(c) Each member of the Board:

(1) shall be a resident, voter, and taxpayer of the county;

(2) shall be an individual of high character and integrity and of recognized business capacity; and

(3) notwithstanding any other provision of the Code or local law, shall be subject to Title 5, Subtitle 5, Part I, and Subtitles 6 and 7 of the General Provisions Article regarding financial disclosure, conflicts of interest, and lobbying activities.

(d) (1) Each member of the Board shall provide a penalty bond to the county in an amount to be set by the County Executive and County Council on the condition that the member faithfully performs all of the duties of the office.

(2) The Board shall pay the cost of the bonds.

(e) (1) The term of a member is 3 years and begins on the first Monday in April.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(f) (1) To fill a vacancy other than one resulting from an expired term, the County Executive, as soon as practicable, shall submit the name of one nominee to the Harford County Delegation to the Maryland General Assembly, consisting of Harford County Senators and Delegates, for the advice and consent of the Delegation.

(2) After the name of a nominee is submitted, the procedures under subsection (b)(2) through (5) of this section apply.

(3) A member who is appointed after a term has begun serves only for the rest of the term.

§22–203.

From among its members, the Board shall elect a chair.

§22–204.

(a) (1) Subject to paragraph (2) of this subsection, the Board shall meet at least 50 times each year.

(2) The chair may cancel a meeting for lack of an agenda.

(b) (1) The chair of the Board shall receive annually $7,000 and any additional compensation that the County Council considers appropriate.

(2) Each other member of the Board shall receive annually $6,000 and any additional compensation that the County Council considers appropriate.

§22–205.

(a) Before the beginning of each fiscal year, the Board shall submit an annual budget to the County Council and County Executive for review.

(b) Except as provided under § 22–206(b) of this subtitle, the budget is not subject to approval by the County Council or County Executive.

§22–205.1.

(a) At the end of each fiscal year, the Board shall submit a financial audit for review to:

(1) the County Executive; and

(2) the Harford County Delegation to the Maryland General Assembly, consisting of Harford County Senators and Delegates.

(b) The financial audit is not subject to approval by the County Executive or the Harford County Delegation to the Maryland General Assembly, consisting of Harford County Senators and Delegates.

§22–206.

(a) The Board may employ a secretary and clerical and other assistants as are necessary.

(b) (1) The Board shall set the compensation of all employees of the Board, subject to the approval of the County Executive and County Council.

(2) The Board shall require fidelity bonds of employees of the Board to protect the county.

(3) The County Council shall review the adequacy of the fidelity bonds that the Board requires of the employees.

(c) Notwithstanding any other law, an employee of the Board:

(1) is subject to provisions regarding conflicts of interest and lobbying activities in Title 5, Subtitle 5, Part I, and Subtitle 7 of the General Provisions Article; but

(2) may not be required to file the financial disclosure statement required by § 5–601 of the General Provisions Article.

(d) (1) The Board shall appoint a general manager.

(2) The general manager serves under the control and supervision of the Board as the secretary–treasurer and chief business administrative officer of the Board.

(3) An individual is not eligible to be the general manager while a member of the Board.

(4) The general manager may be discharged only:

(i) for cause involving dishonesty, incompetence, or immoral conduct; and

(ii) after given an opportunity before the Board for a hearing.

§22–207.

(a) (1) Subject to paragraph (2) of this subsection, the Board shall employ one full–time chief inspector and as many other inspectors as the Board determines are required.

(2) The Sheriff, a deputy sheriff, or a municipal peace officer in the county may not be appointed or serve as the chief inspector or as an inspector.

(b) (1) When appointed, the chief inspector shall have had investigative experience as:

(i) a police officer;

(ii) an inspector for a governmental unit; or

(iii) an investigator for a private agency.

(2) With the approval of the Board, the chief inspector may contract with or hire an independent accounting firm to audit the books and accounts of any license holder.

(3) (i) After appointment, the chief inspector may be discharged only for cause involving dishonesty, incompetence, or immoral conduct, subject to subparagraph (ii) of this paragraph.

(ii) Before a chief inspector is discharged, the chief inspector shall be given a list of the charges against the chief inspector and an opportunity to reply to the charges in a public hearing in person or by counsel.

(c) The Board may establish reasonable compensation for the chief inspector and any other inspector and, when warranted by their respective duties, change their compensation.

(d) Inspectors may:

(1) serve a summons under § 22–2604 of this title; and

(2) issue civil citations as provided in § 22–2605 of this title.

(e) This section does not relieve the peace officers specified in § 6–205 of this article from the responsibility to enforce this article in the county.

§22–208.

(a) Except as provided in subsection (b) of this section, after deduction of a proportionate share of the expenses to administer and enforce this title, including the salaries of the members and employees of the Board, the Board shall pay the net proceeds of fees received from the issuance of licenses:

(1) outside of Aberdeen, Bel Air, and Havre de Grace, to the Treasurer to be credited to the general fund of the county; and

(2) in Aberdeen, Bel Air, and Havre de Grace, to the treasurers of the respective municipalities to pay the interest and redeem the principal of any bonded indebtedness of the municipality.

(b) (1) In this subsection, "Reserve Account" means the Reserve Account of the Board.

(2) There is a Reserve Account of the Board.

(3) The purpose of the Reserve Account is to ensure that issuance and renewal of licenses, licensing enforcement, and other services that the Board provides will continue to be met in the face of unanticipated financial events or circumstances.

(4) A designee of the Board shall administer the Reserve Account.

(5) The Reserve Account is a special, nonlapsing account.

(6) The Board shall hold the Reserve Account separately and account for the Reserve Account.

(7) The Reserve Account consists of:

(i) money distributed to the Board from license fees;

(ii) fines imposed for a violation of this article in Harford County as provided in § 22–2606 of this title;

(iii) except for bonds forfeited under § 22–2103 of this title, recognizances forfeited for a violation of this article in Harford County as provided in § 22–2606 of this title;

(iv) interest or other income earned from the investment of any portion of the Reserve Account; and

(v) any other money from any other source accepted for the benefit of the Reserve Account.

(8) Each year, the amount payable into the Reserve Account may not be more than 20% of the aggregate net proceeds received by the Board.

(9) Expenditures from the Reserve Account may occur if the Board determines that appropriations for the current year exceed expected revenues.

(10) The Reserve Account may not exceed $100,000 at any time.

(c) The expenditure of license fees collected by the Board to administer and enforce county alcoholic beverages laws is a matter within the discretion of the Board and in accordance with this subtitle.

§22–209.

(a) The Board may adopt regulations to carry out this article.

(b) (1) The Board shall hold public hearings on all proposed alterations of its regulations.

(2) At least 2 consecutive weeks before the scheduled public hearings, the Board shall:

(i) advertise the public hearings in at least one newspaper of general circulation published in the county; or

(ii) post notice of the public hearings online.

§22–301.

There is no liquor control board or department of liquor control in the county.

§22–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 (“Class 1 distillery license”);

(3) § 2–203 (“Class 9 limited distillery license”);

(4) § 2–204 (“Class 2 rectifying license”);

(5) § 2–205 (“Class 3 winery license”);

(6) § 2–206 (“Class 4 limited winery license”);

(7) § 2–208 (“Class 6 pub–brewery license”);

(8) § 2–209 (“Class 7 micro–brewery license”);

(9) § 2–210 (“Class 8 farm brewery license”);

(10) § 2–211 (“Residency requirement”);

(11) § 2–212 (“Additional licenses”);

(12) § 2–213 (“Additional fees”);

(13) § 2–214 (“Sale or delivery restricted”);

(14) § 2–215 (“Beer sale on credit to retail dealer prohibited”);

(15) § 2–216 (“Interaction between manufacturing entities and retailers”);

(16) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and

(17) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).

(b) Section 2–207 (“Class 5 brewery license”) of Division I of this article applies in the county, subject to § 22–403 of this subtitle.

§22–402.

A holder of a manufacturer’s license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§22–403.

(a) There is a Class DBR license.

(b) (1) The license may be issued to a holder of a Class 5 brewery license.

(2) The Board may issue a maximum number of two licenses to the same person.

(c) (1) The license serves as the on–premises consumption permit and the license equivalent to a Class D license specified under § 2–207(e)(1) of this article.

(2) The license holder is not required to sell food, but is required to provide prepackaged snacks.

(3) The license holder may sell beer brewed at the brewery for on–premises and off–premises consumption to the extent the license holder is allowed under the license holder's Class 5 brewery license.

(d) The value of the equipment used on the premises may be used toward meeting any minimum capital investment requirement imposed on a holder of the license.

(e) The hours of sale are as provided for a Class D beer, wine, and liquor license under Subtitle 20 of this title.

(f) The annual license fee is $500.

§22–501.

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

§22–502.

Except as provided in § 22–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§22–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§22–601.

A Class A beer license may not be issued in the county.

§22–602.

A Class B beer license may not be issued in the county.

§22–603.

A Class C beer license may not be issued in the county.

§22–604.

A Class D beer license may not be issued in the county.

§22–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery that contains not more than 23% of alcohol by volume.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $100.

§22–801.

The wine that may be sold under a beer and wine license may not contain more than 23% of alcohol by volume.

§22–802.

(a) There is:

(1) a Class A beer and wine 6–day license; and

(2) a Class A beer and wine 7–day license.

(b) The Board may issue the license only to a proprietor of a retail store selling food, drugs, or other similar commodities.

(c) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder:

(i) shall sell the beer and wine in a sealed package or container; and

(ii) may sell beer in individual bottles or cans and wine in split bottles.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(d) The annual license fees are:

(1) $625 for a 6–day license; and

(2) $850 for a 7–day license.

§22–803.

(a) There is:

(1) a Class B–1 beer and wine 6–day license; and

(2) a Class B–1 beer and wine 7–day license.

(b) (1) The Board may issue the license for use by a restaurant.

(2) Except as provided in paragraph (3) of this subsection, the license authorizes the license holder to sell beer and wine at a restaurant, at retail, at the place described in the license, for on–premises consumption.

(3) (i) The holder of a license issued before July 1, 1984, may sell beer and wine for on– and off–premises consumption.

(ii) The license holder may sell wine in split bottles.

(iii) Beer sold in bottles or cans exceeding 12 ounces in weight or size for off–premises consumption may be sold in a quantity of less than six.

(iv) If beer is sold in a containerized package, the package shall hold at least six bottles or containers.

(c) (1) A Class B–1 temporary (on–sale) license may be issued to an applicant who seeks after 6 months to obtain a Class B beer, wine, and liquor license.

(2) The Class B–1 license shall be revoked after the 6–month period has expired if the license holder has not met all requirements for a Class B beer, wine, and liquor license.

(d) The license holder shall comply with the food sale requirements under § 22–103 of this title only for the purpose of meeting the requirements of § 22–902 of this title necessary to apply for a license.

(e) The annual license fees are:

(1) $350 for a 6–day license; and

(2) $500 for a 7–day license.

§22–804.

(a) There is:

(1) a Class B–2 beer and wine 6–day license; and

(2) a Class B–2 beer and wine 7–day license.

(b) (1) The Board may issue the license for use by a restaurant that:

(i) was operating for 1 year before an application for the license was made; and

(ii) is equipped and stocked for the continued regular sale of food to customers and guests, as determined by the Board.

(2) The license holder need not meet the food sale requirements set forth in § 22–103 of this title.

(c) (1) Except as provided in paragraph (2) of this subsection, the license authorizes the license holder to sell beer and wine at a restaurant, at retail, at the place described in the license, for on–premises consumption.

(2) (i) The holder of a license issued before July 1, 1984, may sell beer and wine for on– and off–premises consumption.

(ii) The license holder may sell wine in split bottles.

(iii) Beer sold in bottles or cans exceeding 12 ounces in weight or size for off–premises consumption may be sold in a quantity of less than six.

(iv) If beer is sold in a containerized package, the package shall hold at least six bottles or containers.

(d) The annual license fees are:

(1) $500 for a 6–day license; and

(2) $700 for a 7–day license.

§22–805.

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

(b) (1) The Board may issue the license for use by a cafe if:

(i) the Board determines that the cafe has adequate tables, chairs, food, and facilities for preparing and serving meals;

(ii) the average gross monthly receipts from the sale of cooked or prepared food served at the cafe and other items approved by the Board exceed 50% of the average monthly receipts from the sale of beer and wine sold for on–premises consumption; and

(iii) not more than 10% of the total square footage of the cafe is dedicated to the public display of beer and wine that are offered for sale.

(2) The Board shall set a maximum and a minimum seating capacity for the cafe.

(3) The license:

(i) authorizes the license holder to sell beer and wine 7 days a week at a cafe, at retail, at the place described in the license, for on– and off–premises consumption;

(ii) has a wine tasting privilege for on–premises consumption for every day of the year; and

(iii) may be used for off–premises catering.

(c) The Board shall set the maximum number of cafe licenses that it may issue under this section.

(d) The annual license fee is $1,575.

§22–806.

(a) There is:

(1) a Class C–1 beer and wine 6–day license; and

(2) a Class C–1 beer and wine 7–day license.

(b) (1) The Board may issue the license for use by a nonprofit association or corporation that:

(i) is organized for patriotic or war veterans purposes; and

(ii) has held regular meetings at an established headquarters for 1 year before the application for the license was made.

(2) The license authorizes the license holder to sell beer and wine to a member of a nonprofit association or corporation and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fees are:

(1) $150 for a 6–day license; and

(2) $225 for a 7–day license.

§22–807.

(a) There is:

(1) a Class C–2 beer and wine 6–day license; and

(2) a Class C–2 beer and wine 7–day license.

(b) (1) The Board may issue the license for use by a nonprofit association or corporation that:

(i) is organized for fraternal purposes; and

(ii) has held regular meetings at an established headquarters for 1 year before the application for the license was made.

(2) The license authorizes the license holder to sell beer and wine to a member of a nonprofit association or corporation and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fees are:

(1) $350 for a 6–day license; and

(2) $425 for a 7–day license.

§22–808.

(a) There is:

(1) a Class C–3 beer and wine 6–day license; and

(2) a Class C–3 beer and wine 7–day license.

(b) (1) The Board may issue the license for use by a nonprofit association or corporation that:

(i) is organized for athletic, educational, or social purposes; and

(ii) has held regular meetings at an established headquarters for 1 year before the application for the license was made.

(2) The license authorizes the license holder to sell beer and wine to a member of a nonprofit association or corporation and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fees are:

(1) $450 for a 6–day license; and

(2) $525 for a 7–day license.

§22–809.

(a) There is a Class CC (community college) beer and wine license.

(b) The Board may issue the license to officers of a community college for use on enclosed parts of the community college campus that are:

(1) owned by the community college; and

(2) used and equipped by the community college to promote or host events, including artistic, cultural, or civic exhibits, meetings, festivals, shows, or other entertainment productions.

(c) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on–premises consumption to:

(1) individuals who attend an event that is open to the public; and

(2) members of a club, a society, or an association and their guests who attend an event that is held for that group.

(d) (1) The license holder may not sell beer and wine on the community college campus at:

(i) a student sporting event; or

(ii) an event that is sponsored by students.

(2) The license holder may sell beer and wine at events that are held on the community college campus for a maximum of 25 days per year.

(e) After an event is over, the license holder may not allow alcoholic beverages to be consumed on the licensed premises from midnight to noon the following day.

(f) A license holder may not allow an individual to carry alcoholic beverages onto or from the licensed premises, except a wholesaler of beer or wine who conducts business regarding an event for which a license has been issued under this section.

(g) The annual license fee is $1,500.

§22–810.

A Class D beer and wine license may not be issued in the county.

§22–901.

(a) There is:

(1) a Class A–1 off–sale beer, wine, and liquor 7–day license; and

(2) a Class A–2 off–sale beer, wine, and liquor 6–day license.

(b) (1) A license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder:

(i) shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises; but

(ii) may sell wine in split bottles and beer in individual bottles and cans.

(3) If the majority of the retail sales on the licensed premises are for items other than beer, wine, and liquor, the license holder shall provide a separate outside entrance for the use of beer, wine, and liquor customers.

(4) If the business of the licensed premises consists predominantly of selling other types of retail items, such as drugs or groceries:

(i) the beer, wine, and liquor shall be displayed and purchased in an area separate and distinct from that for the other retail items; and

(ii) the Board may require a partition to separate the beer, wine, and liquor from the other types of retail items.

(c) A license holder shall continually maintain a minimum stock of $8,000 wholesale value in beer, wine, and liquor.

(d) A license under this section may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(e) The annual license fees are:

(1) $1,470 for a 7–day Class A–1 license; and

(2) $980 for a 6–day Class A–2 license.

§22–902.

(a) There is:

(1) a Class B beer, wine, and liquor 6–day license; and

(2) a Class B beer, wine, and liquor 7–day license.

(b) The Board may issue the license to a license holder for use by:

(1) a hotel that:

(i) accommodates the public and provides service ordinarily found in hotels; and

(ii) has:

1. at least 25 rooms;

2. a lobby with a registration and mail desk; and

3. a dining room that serves full–course meals at least twice daily; or

(2) a restaurant that:

(i) serves full–course meals at least twice daily on each day it is open;

(ii) has regular seating at tables, not including seats at bars or counters, for at least 60 individuals; and

(iii) has had a greater daily average in receipts from food sales than from beer, wine, and liquor sales during the 6 months immediately before the application for the license was made.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor, including at a bar or counter in a hotel, at retail at the place described in the license, for on–premises consumption.

(2) A holder of a license issued before July 1, 1984, also may sell:

(i) beer and wine for off–premises consumption, including:

1. subject to paragraph (3) of this subsection, beer in individual bottles and cans; and

2. wine in split bottles; and

(ii) liquor, if the license holder was granted an off–sale liquor option.

(3) Beer may be sold for off–premises consumption in:

(i) bottles or cans exceeding 12 ounces in weight or size, if the beer is sold in a quantity of less than six; or

(ii) a containerized package, if the package holds at least six bottles or containers.

(d) (1) A license holder with an option authorizing the sale of liquor for off–premises consumption may exercise that option in an area that:

(i) is described in the license application;

(ii) may not exceed 20% of the area normally used in the operation of the restaurant, not including additions or extensions; and

(iii) unless sales are conducted only from behind a bar, is separate and distinct from the restaurant seating area.

(2) If the license application indicates that sales of beer, wine, and liquor for off–premises consumption will be more extensive than from behind a bar, the applicant shall provide a separate outside entrance for purchasers of alcoholic beverages for off–premises consumption.

(3) To meet food sale requirements, receipts for sales of liquor for off–premises consumption may not be included in the calculation of sales.

(e) (1) Subject to paragraph (2) of this subsection, if a restaurant holding a Class B beer, wine, and liquor license is located within a freestanding establishment containing bowling lanes associated with the restaurant, the license holder may sell and allow customers to carry or consume alcoholic beverages within any place in the bowling alley or restaurant.

(2) The additional privilege under this subsection is available between 6 p.m. and the normal closing time for the license.

(3) This subsection:

(i) only confers additional privileges on licenses for restaurants that are associated with bowling alleys; but

(ii) does not create a separate class of license for bowling alleys.

(f) A license holder with an off–sale option shall continually maintain a minimum stock of $8,000 wholesale value in beer, wine, and liquor.

(g) (1) The annual license fees for a 6–day license are:

(i) $2,260 for a hotel; and

(ii) $1,720 for a restaurant.

(2) The annual license fees for a 7–day license are:

(i) $2,685 for a hotel; and

(ii) $2,145 for a restaurant.

(3) The annual license fees for an option to sell liquor for off–premises consumption are:

(i) $350 for a 6–day restaurant; and

(ii) $450 for a 7–day restaurant.

§22–903.

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

(b) (1) The license authorizes the holder to sell:

(i) beer and wine for on– and off–premises consumption; and

(ii) liquor for on–premises consumption.

(2) The license is a 7–day license with an on–premises wine tasting privilege for every day of the year.

(3) The license may be used for off–premises catering.

(c) The Board shall set:

(1) the maximum number of cafe licenses that it may issue under this section; and

(2) the maximum and minimum seating capacity for each cafe license it issues.

(d) The license may be used only if:

(1) the Board determines that the establishment has adequate tables, chairs, food, and facilities for preparing and serving meals;

(2) the average gross monthly receipts from the sale of cooked or prepared food served at the establishment and other items approved by the Board exceed 50% of the average monthly receipts from the sale of beer, wine, and liquor sold for on–premises consumption; and

(3) not more than 10% of the total square footage of the establishment is dedicated to the public display of beer and wine that is offered for sale.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 22–2004(b) of this title.

(f) The annual license fee is $3,000.

§22–904.

(a) There is:

(1) a Class B–3 restaurant/hotel 6–day license; and

(2) a Class B–3 restaurant/hotel 7–day license.

(b) The Board may issue a Class B–3 license to a person who:

(1) has been operating a restaurant or hotel under a Class B beer, wine, and liquor license for 1 year before the application for the Class B–3 license;

(2) accounts for at least 25% of the business at the restaurant or hotel from the sale of food; and

(3) in the judgment of the Board, has equipped and stocked the restaurant or hotel for the continued regular sale of food to customers and guests.

(c) (1) The Board may issue a license under this subsection for use in a restaurant or hotel at retail at the place described in the license.

(2) Except as provided in paragraph (3) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, including at a restaurant and a bar or counter in a hotel, for on–premises consumption.

(3) A holder of a license issued before July 1, 1984, may sell:

(i) beer, wine, and liquor for on–premises consumption;

(ii) beer and wine for off–premises consumption, including:

1. subject to paragraph (4) of this subsection, beer in individual bottles and cans; and

2. wine in split bottles; and

(iii) liquor, if the license holder has been granted a liquor option.

(4) Beer may be sold for off–premises consumption in:

(i) bottles or cans exceeding 12 ounces in weight or size, if the beer is sold in a quantity of less than six; or

(ii) a containerized package, if the package holds at least six bottles or containers.

(d) (1) A license holder with an option authorizing the sale of liquor for off–premises consumption may exercise that option in an area that:

(i) is described in the license application;

(ii) may not exceed 20% of the area normally used in the operation of the restaurant, not including additions or extensions; and

(iii) unless sales are conducted only from behind a bar, is separate and distinct from the restaurant seating area.

(2) If the license application indicates that sales of beer, wine, and liquor for off–premises consumption will be more extensive than from behind a bar, the applicant shall provide a separate outside entrance for purchasers of alcoholic beverages for off–premises consumption.

(3) To meet food sale requirements, receipts for sales of liquor for off–premises consumption may not be included in the calculation of sales.

(e) A license holder with an off–sale liquor option shall continually maintain a minimum stock of $8,000 wholesale value in beer, wine, and liquor.

(f) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 22–2004(c) of this title.

(g) (1) The annual license fees for a 6–day license are:

(i) $2,620 for a hotel; and

(ii) $2,050 for a restaurant.

(2) The annual license fees for a 7–day license are:

(i) $3,045 for a hotel; and

(ii) $2,435 for a restaurant.

(3) The annual license fees for an option to sell liquor for off–premises consumption are:

(i) $350 for a 6–day restaurant; and

(ii) $450 for a 7–day restaurant.

§22–905.

(a) There is:

(1) a Class BFD (fine dining) beer, wine, and liquor 6–day license; and

(2) a Class BFD (fine dining) beer, wine, and liquor 7–day license.

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(2) A license holder shall:

(i) serve only full–course dinners at least 5 days a week;

(ii) open the restaurant for business not later than 5 p.m.; and

(iii) comply with the requirements of § 22–103 of this title.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 22–2004(d) of this title.

(d) The Board shall adopt regulations to carry out this section.

(e) The annual license fees are:

(1) $2,500 for a 6–day license; and

(2) $2,900 for a 7–day license.

§22–906.

(a) There is a Class BNR (newly opened restaurant) beer, wine, and liquor license.

(b) The Board may decide:

(1) the number of licenses to be issued; and

(2) to whom the licenses shall be issued.

(c) The Board may issue the license for use by a newly opened restaurant that:

(1) has a minimum capital investment of $250,000 for new dining room facilities and newly installed kitchen equipment, not including the cost of land, buildings, or a lease;

(2) serves full–course meals at least twice daily;

(3) has regular seating at tables, not including seats at bars or counters, for at least 60 individuals; and

(4) meets other standards set out in the regulations of the Board.

(d) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption from Monday through Sunday from 8 a.m. to 2 a.m. the following day.

(e) The annual license fee is $3,000.

§22–907.

(a) There is:

(1) a 6–day Class C–1 (organization or club) beer, wine, and liquor license; and

(2) a 7–day Class C–1 (organization or club) beer, wine, and liquor license.

(b) The Board may issue the 6–day license or the 7–day license for use by a war veterans' organization that:

(1) is a nationally chartered nonprofit organization or club;

(2) has been incorporated for at least 5 years immediately preceding filing of the application for the license;

(3) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;

(4) operates only for the use of members of the war veterans' organization and guests accompanied by members; and

(5) meets in a clubhouse that is principally used for club purposes.

(c) (1) The 6–day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Saturday at a club at the place described in the license, for on–premises consumption by members and guests.

(2) The 7–day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Sunday at a club at the place described in the license, for on–premises consumption by members and guests.

(3) (i) The 6–day license and the 7–day license authorize the license holder to sell or provide beer, wine, and liquor for on–premises consumption by:

1. nonmembers of the club that have rented or leased an area of the licensed premises for entertainment, a conference, or a social event; and

2. guests who attend the event.

(ii) The license holder shall:

1. contract to provide food for consumption at the event described in subparagraph (i) of this paragraph; or

2. ensure that food will be available for consumption at the event described in subparagraph (i) of this paragraph.

(iii) This paragraph does not prohibit a club from obtaining a Class C per diem license.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 22–2004(f) of this title.

(e) (1) The annual fees for the 6–day license, depending on the size of the membership of the war veterans' organization, are:

(i) $350, for a membership of 50 to 99;

(ii) $600, for a membership of 100 to 250;

(iii) $850, for a membership of 251 to 450; and

(iv) $1,000, for a membership of at least 451.

(2) The annual fees for the 7–day license, depending on the size of the membership of the war veterans' organization, are:

(i) $450, for a membership of 50 to 99;

(ii) $700, for a membership of 100 to 250;

(iii) $950, for a membership of 251 to 450; and

(iv) $1,100, for a membership of at least 451.

§22–908.

(a) There is:

(1) a 6–day Class C–2 (organization or club) beer, wine, and liquor license; and

(2) a 7–day Class C–2 (organization or club) beer, wine, and liquor license.

(b) The Board may issue the 6–day license or the 7–day license for use by a fraternal organization that:

(1) is a lodge or chapter of a nationally chartered fraternal organization;

(2) is composed of inducted members;

(3) operates a clubhouse or building:

(i) for the use of its members; and

(ii) that has facilities for preparing and serving food on the premises to members and guests; and

(4) has at least 100 members paying the dues that were required by its national organization in the year immediately preceding the year for which the license was applied for or issued, as determined by the Board.

(c) (1) The 6–day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Saturday at a club at the place described in the license, for on–premises consumption by members and guests.

(2) The 7–day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Sunday at a club at the place described in the license, for on–premises consumption by members and guests.

(3) (i) The 6–day license and the 7–day license authorize the license holder to sell or provide beer, wine, and liquor for on–premises consumption by:

1. nonmembers of the club that have rented or leased an area of the licensed premises for entertainment, a conference, or a social event; and

2. guests who attend the event.

(ii) The license holder shall:

1. contract to provide food for consumption at the event described in subparagraph (i) of this paragraph; or

2. ensure that food will be available for consumption at the event described in subparagraph (i) of this paragraph.

(iii) This paragraph does not prohibit a club from obtaining a Class C per diem license.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 22–2005(f) of this title.

(e) (1) The annual fees for the 6–day license, depending on the size of the membership of the fraternal organization, are:

(i) $800, for a membership of 100 to 250;

(ii) $1,050, for a membership of 251 to 450; and

(iii) $1,200, for a membership of at least 451.

(2) The annual fees for the 7–day license, depending on the size of the membership of the fraternal organization, are:

(i) $900, for a membership of 100 to 250;

(ii) $1,150, for a membership of 251 to 450; and

(iii) $1,300, for a membership of at least 451.

§22–909.

(a) There is:

(1) a 6–day Class C–3 (country club, social organization, topiary garden, or yacht or boat club) beer, wine, and liquor license; and

(2) a 7–day Class C–3 (country club, social organization, topiary garden, or yacht or boat club) beer, wine, and liquor license.

(b) The Board may issue the 6–day license or the 7–day license for use by:

(1) a country club that:

(i) may be operated for profit or not for profit;

(ii) has at least 75 members paying dues of at least $50 per year per member; and

(iii) maintains a regular or championship golf course of at least nine holes or a swimming pool that is at least 20 by 40 feet;

(2) a social organization that:

(i) may be operated for profit or not for profit;

(ii) has at least 100 members paying dues of at least $200 per year per member;

(iii) has at least 51% of its membership consisting of:

1. active members of the armed forces of the United States;

2. veterans of the armed forces of the United States;

3. active or retired first responders; and

4. the spouses and children of the eligible members under items 1 through 3 of this item;

(iv) is secured by electronic means and is accessible only to members and their guests over the age of 21;

(v) requires each server of alcoholic beverages at the social organization to hold a certificate of completion from an approved alcohol awareness program as described in § 4–505 of this article;

(vi) has parking facilities to accommodate the vehicles of members and their guests;

(vii) is zoned for business or commercial use; and

(viii) maintains a list of all active members available for review by the Board of License Commissioners;

(3) a topiary garden that:

(i) operates a public museum and garden for the members of the topiary garden and the public as guests of the members;

(ii) is open to the public for at least 6 days a week for at least 6 hours a day during at least 5 months each year; and

(iii) has food preparation facilities on the premises for the convenience of guests; or

(4) a yacht or boat club that:

(i) may be operated for profit or not for profit;

(ii) owns real property in the county; and

(iii) has at least 150 dues–paying members, of whom at least 50 own a yacht, boat, or other vessel.

(c) (1) The 6–day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Saturday at a club at the place described in the license, for on–premises consumption by members and guests.

(2) The 7–day license authorizes the license holder to sell or provide beer, wine, and liquor from Monday through Sunday at a club at the place described in the license, for on–premises consumption by members and guests.

(3) (i) The 6–day license and the 7–day license authorize the license holder to sell or provide beer, wine, and liquor for on–premises consumption by:

1. nonmembers of the club that have rented or leased an area of the licensed premises for entertainment, a conference, or a social event; and

2. guests who attend the event.

(ii) The license holder shall:

1. contract to provide food for consumption at the event described in subparagraph (i) of this paragraph; or

2. ensure that food will be available for consumption at the event described in subparagraph (i) of this paragraph.

(iii) This paragraph does not prohibit a club from obtaining a Class C per diem license.

(d) (1) Subject to paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor during the hours and days as set out under § 22–2004(f) of this title.

(2) A social organization granted a license under this section may sell beer, wine, and liquor on Monday through Sunday, from 4 p.m. to 11 p.m.

(e) (1) The annual fee for the 6–day license is $1,300.

(2) The annual fee for the 7–day license is $1,400.

§22–910.

(a) There is:

(1) a Class D beer, wine, and liquor (on–sale) 7–day license; and

(2) a Class D beer, wine, and liquor (on– and off–sale) 7–day license.

(b) (1) The Board may issue a Class D license to a current Class B license holder that applies for the license.

(2) The applicant shall surrender to the Board the applicant's Class B license on the issuance of the Class D license.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for:

(1) on–premises consumption, if an on–sale license; or

(2) on– and off–premises consumption, if an on–sale and off–sale license.

(d) The Board may determine the number of licenses to be issued.

(e) The license may not be issued for use by a drugstore.

(f) The Board shall adopt regulations to carry out this section.

(g) The annual license fees are:

(1) $3,000 for an on–sale license; and

(2) $4,000 for an on– and off–sale license.

§22–1001.

(a) In this section, "assisted living program" has the meaning stated in § 19–1801 of the Health – General Article.

(b) There is a Class ALP (assisted living program) beer, wine, and liquor license.

(c) (1) The Board may issue the license to a manager of an assisted living program that:

(i) is licensed by the Department of Human Services under § 19–1804.1 of the Health – General Article; and

(ii) may be operated under a management agreement.

(2) The Board may issue a maximum of five Class ALP licenses to a person.

(d) The license authorizes the license holder to:

(1) provide beer and wine for on–premises consumption by a resident or a guest of a resident of the assisted living program; and

(2) (i) store liquor that has been purchased by a resident in a secure locker that is accessible only to individuals at least 21 years old;

(ii) prepare mixed drinks using liquor that has been purchased by a resident and mixers provided by the resident or license holder; and

(iii) serve liquor that has been purchased by a resident, or a mixed drink that is prepared using a resident's liquor, to a resident or guest of a resident for on–premises consumption.

(e) The license holder may provide or serve beer, wine, and liquor for on–premises consumption on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(f) (1) The license holder shall require each individual who serves beer, wine, or liquor on the premises to hold a certificate of completion from an approved alcohol awareness program as described in § 4–505 of this article.

(2) An employee of the assisted living program who is at least 18 years old may serve alcoholic beverages or assist in preparing mixed drinks.

(g) The annual license fee is $3,500.

§22–1001.1.

(a) There is a Class B–BB (bed and breakfast) beer, wine, and liquor license.

(b) The Board may issue the license to a license holder who is approved by the appropriate local governmental unit to operate a bed and breakfast that:

(1) provides services ordinarily provided by a bed and breakfast;

(2) has at least one room but not more than 10 rooms, each with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time; and

(3) has a kitchen facility that has been approved by the appropriate local governmental unit.

(c) The license authorizes the license holder to sell beer, wine, and liquor to a guest if:

(1) the name and address of the guest appears on the registry that the bed and breakfast maintains; and

(2) the guest is an occupant of a sleeping room in the bed and breakfast.

(d) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption to a guest of a catered event at the bed and breakfast if:

(1) the license holder is under contract to cater the event;

(2) the license holder caters the event; and

(3) food is served at the catered event.

(e) The license holder may sell beer, wine, and liquor for on–premises consumption during the hours and days as set out for a Class B beer, wine, and liquor license under § 22–2004 of this title.

(f) The license does not authorize the sale of beer, wine, and liquor to an individual who:

(1) is not a guest of the bed and breakfast; or

(2) is registered as a guest at the bed and breakfast only to obtain beer, wine, and liquor.

(g) (1) A bed and breakfast may not be operated only to sell or provide beer, wine, and liquor.

(2) If the bed and breakfast ends operations as a bed and breakfast:

(i) the license is void; and

(ii) the license holder shall return the license to the Board.

(h) The Board shall adopt regulations to:

(1) carry out this section; and

(2) ensure that the primary purpose of the license is to allow the license holder to operate a bed and breakfast.

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

§22–1002.

(a) There is a Class CCFA (continuing care facility for the aged) beer, wine, and liquor license.

(b) The Board may issue the license to the officers of a continuing care facility for the aged that:

(1) provides continuing care as defined under § 10–401 of the Human Services Article;

(2) is licensed as a related institution under Title 19, Subtitle 3 of the Health – General Article;

(3) is certified by the Department of Aging; and

(4) is exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code.

(c) The license authorizes the license holder to sell beer, wine, and liquor on the licensed premises for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor for on–premises consumption during the hours and days as set out for a Class C beer, wine, and liquor license under § 22–2004 of this title.

(e) The annual license fee is $5,000.

§22–1002.1.

(a) There is a gift basket permit.

(b) (1) The Board may issue the permit to a person:

(i) whose primary business is the sale and delivery of flowers;

(ii) whose business includes the sale and delivery of gift baskets of flowers, food, or other items; and

(iii) who does not hold any other alcoholic beverages license or permit under this article.

(2) The Board may not issue the permit for use in conjunction with or on the premises of a chain store, supermarket, or discount house.

(c) A holder of the permit:

(1) may sell and deliver, to consumers of a legal drinking age located in the county, gift baskets containing:

(i) not more than 72 ounces of beer;

(ii) not more than 2.25 liters of wine; or

(iii) not more than 2.25 liters of liquor;

(2) shall maintain records and submit reports as required by the Board; and

(3) is subject to the alcohol awareness training requirements under § 4–505 of this article.

(d) (1) Subject to paragraph (2) of this subsection, the permit holder or an employee of the permit holder shall:

(i) deliver the gift basket containing alcoholic beverages; and

(ii) require the person receiving a delivery of a gift basket containing alcoholic beverages to display proof that the person is at least 21 years old.

(2) An individual who delivers a gift basket containing alcoholic beverages shall be at least 21 years old.

(e) The holder's annual sales from alcoholic beverages may not exceed 10% of the holder's annual gross sales.

(f) The alcoholic beverages contained in a gift basket shall be purchased from a retail license holder.

(g) The Board shall adopt regulations to carry out this section.

(h) The fee for a gift basket permit is $100.

§22–1003.

(a) There is a Class GC (golf course) beer, wine, and liquor license.

(b) The Board may issue the license to the owner or operator of a golf course that:

(1) is open to the public;

(2) is operated for profit; and

(3) has a minimum of 18 holes.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for consumption on the land and in the buildings, including the clubhouse, used for golfing purposes.

(2) A patron need not be seated to be served.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 22–2004 of this title.

(e) The annual license fee is $3,500.

§22–1003.1.

(a) There is a Class GCR (golf course restaurant) beer, wine, and liquor license.

(b) The Board may issue a Class GCR license to the owner or operator of a golf course that:

(1) is open to the public;

(2) is operated for profit;

(3) has a minimum of 18 holes; and

(4) has a kitchen facility that has been approved by the appropriate local governmental unit.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for consumption on the land and in the buildings, including the clubhouse, used for golfing purposes and for non–golf–related events.

(2) A patron need not be seated to be served.

(3) The license is limited to on–premises sales only.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 22–2004 of this title.

(e) The annual license fee is $3,500.

§22–1003.2.

(a) There is a Class GSF (golf simulator facility) license.

(b) The Board may issue the license for use by a golf simulator facility that:

(1) is open to the public;

(2) has at least five golf simulator bays; and

(3) has accommodations that are predominantly dedicated to golf simulator bays and seating dedicated to the golf simulator bays.

(c) An applicant for the license shall submit to the Board a floor plan or layout of the proposed licensed premises that illustrates that the proposed licensed premises is predominantly dedicated to golf simulator bays and has seating dedicated to the golf simulator bays.

(d) The license holder may sell beer, wine, and liquor for on–premises consumption:

(1) if the license holder offers food on the premises at all times when alcoholic beverages are being sold; and

(2) during normal business hours and in accordance with § 22–2004 of this title.

(e) (1) The license holder's annual gross sales from:

(i) alcoholic beverages may not exceed 35% of the annual gross sales of the golf simulator facility;

(ii) golf simulator bay rental fees shall be at least 50% of the annual gross sales of the golf simulator facility; and

(iii) food shall be at least 15% of the annual gross sales of the golf simulator facility.

(2) Before the Board may renew the license, the license holder shall provide the Board with an annual gross sales report for alcohol, golf simulator bay rental fees, and food that shows the license holder has met the requirements of paragraph (1) of this subsection.

(f) The annual license fee is $1,500.

§22–1004.

(a) There is:

(1) a 6–day Class HC (health club) beer and wine license; and

(2) a 7–day Class HC (health club) beer and wine license.

(b) The Board may issue the 6–day or the 7–day license to a person who:

(1) sells health club services, as defined in § 14–12B–01 of the Commercial Law Article;

(2) has a health club facility that offers:

(i) an indoor or outdoor swimming pool; or

(ii) pickleball courts;

(3) has at least 150 members who pay dues; and

(4) owns or leases real property in the county for use as a for–profit or nonprofit health club facility.

(c) (1) The 6–day license authorizes the license holder to sell beer and wine from Monday through Saturday in a bar area at a swimming pool or an indoor lounge or both.

(2) The 7–day license authorizes the license holder to sell beer and wine from Monday through Sunday in a bar area at a swimming pool or an indoor lounge or both.

(d) The 6–day license holder and the 7–day license holder may sell beer and wine for on–premises consumption from 1 p.m. to 9 p.m.

(e) The license holder shall purchase beer and wine from an authorized and licensed wholesaler.

(f) The license holder shall provide prepackaged food or snacks at all times when beer and wine are sold.

(g) (1) The annual fee for the 6–day license is $1,300.

(2) The annual fee for the 7–day license is $1,400.

§22–1004.1.

(a) There is a Class H–CC (corporate club/conference center) beer, wine, and liquor license.

(b) (1) The Board may issue the license for an establishment with:

(i) a banquet room, conference room, or meeting room that is suitable for public gatherings and equipped with food preparation facilities; and

(ii) subject to paragraph (2) of this subsection, a corporate dining room that is reserved for members of a private club and their guests.

(2) A corporate dining room described in paragraph (1)(ii) of this subsection:

(i) shall be equipped for the sale of food; and

(ii) may be used by a private club of at least 25 members who pay an annual membership fee.

(c) (1) The license holder may:

(i) sell beer, wine, and liquor during an event contracted with another person in:

1. a room described in subsection (b)(1) of this section; or

2. another area in the licensed premises that the Board approves;

(ii) hold multiple events in the licensed premises simultaneously; and

(iii) contract to provide beer, wine, and liquor at an event held off the licensed premises if the event is in the county and the license holder contracts to provide food for consumption at the event.

(2) The license holder may not hold more than four self–sponsored events per year in the banquet, conference, or meeting room.

(d) Not more than six Class H–CC licenses may be in effect at a time.

(e) The annual license fee is $3,000.

§22–1004.2.

(a) There is a hotel lobby license.

(b) The Board may issue the license for use by a hotel that does not have a restaurant.

(c) (1) A license authorizes the license holder to sell beer, wine, and liquor from a store in the hotel lobby to patrons of the hotel for on–premises consumption.

(2) Beer may be sold only in a can or bottle that does not exceed 12 ounces.

(3) Wine may be sold only in a bottle that does not exceed 750 milliliters.

(4) Liquor may be sold only in a bottle that does not exceed 50 milliliters.

(d) A license holder may sell beer, wine, and liquor:

(1) on Monday through Saturday, from noon to 10 p.m.; and

(2) on Sunday, from 11 a.m. to 10 p.m.

(e) A license holder may not sell beer, wine, and liquor:

(1) through a vending machine; or

(2) by stocking beer, wine, and liquor in a guest room for purchase.

(f) The annual license fee is $1,250.

§22–1005.

(a) In this section, "guest" means an individual whose name and address appear on the registry that the inn maintains.

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

(c) The Board may issue the license to a license holder who is approved by the appropriate local governmental unit to operate an inn that:

(1) has at least 11 rooms or suites, each with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time;

(2) has a seated dining capacity of a sufficient size to accommodate overnight guests and dinner patrons who participate in regular meals and special dinner events on the premises of the establishment as authorized under subsection (d) of this section; and

(3) has a kitchen facility that has been approved by the local governmental unit.

(d) The license authorizes the license holder to:

(1) sell beer, wine, and liquor for on–premises consumption by a guest in conjunction with a meal;

(2) with the prior approval of the Board, serve beer, wine, and liquor to guests and dinner patrons on a patio, a deck, a terrace, the grounds, or any other outdoor area that is an integral part of the premises;

(3) allow a guest to have beer, wine, and liquor delivered to the guest in a sealed package by the inn, if the guest is in a building that is:

(i) considered part of the inn operation; and

(ii) located in the same mail unit number as the inn or is not more than one–eighth of a mile from the inn;

(4) hold a special dinner event on the premises of the establishment; and

(5) allow an individual who is not a guest to patronize the establishment for a regular or special dinner meal.

(e) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption during catered events at the inn if:

(1) the license holder is under contract to cater the event;

(2) the license holder caters the event; and

(3) food is served at the catered event.

(f) A holder of a Class B (inn) license that was issued after March 6, 2006, may sell beer and wine from the dining room to guests for off–premises consumption if the holder previously held a Class B (restaurant) license allowing sales of beer and wine for off–premises consumption.

(g) The license holder may sell beer, wine, and liquor to guests for on–premises consumption during the hours and days as set out for a Class B beer, wine, and liquor license under § 22–2004 of this title.

(h) The license does not authorize the sale of beer, wine, and liquor to an individual who:

(1) is not a guest or a patron of the dining facility of the inn; or

(2) is registered as a guest at the inn only to obtain beer, wine, and liquor.

(i) (1) An inn may not be operated only to sell or provide beer, wine, and liquor.

(2) If an inn ends operations as an inn:

(i) the license is void; and

(ii) the license holder shall return the license to the Board.

(3) Beer, wine, and liquor in open containers may not be transferred, carried, taken, or delivered to, from, or between the inn and other buildings that are considered part of the inn.

(j) The Board shall adopt regulations to:

(1) carry out this section; and

(2) ensure that the primary purpose of the license is to allow the license holder to operate an inn.

(k) The annual license fee is:

(1) $2,500 for an inn that has at least 11 but not more than 24 rooms or suites; and

(2) $3,295 for an inn that has at least 25 rooms or suites.

§22–1005.1.

(a) There is a Class MT (movie theater) beer, wine, and liquor license.

(b) (1) The Board may issue the license for use by the owner of a movie theater.

(2) To be eligible for the license, the owner of a movie theater is required to provide documentation to the Board that the owner has made an investment of at least $250,000 in the movie theater.

(3) The Board may issue not more than five Class MT licenses to the same person.

(c) (1) The license holder may sell beer, wine, and liquor for on–premises consumption from 4 p.m. to midnight on the days that the movie theater is open.

(2) Beer, wine, and liquor may be sold only:

(i) in single–serve containers; and

(ii) from a counter separate from a counter serving candy, popcorn, and nonalcoholic beverages.

(3) A movie theater for which the license is issued:

(i) is subject to the alcohol awareness training requirements under § 4–505 of this article; and

(ii) shall offer for sale food other than candy and popcorn.

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

§22–1005.2.

(a) In this section, "performing arts nonprofit organization" means a nonprofit organization that organizes the production of plays, acts, dramas, concerts, or similar events by individuals performing on a stage or the showing of films.

(b) There is a performing arts nonprofit organization beer, wine, and liquor license.

(c) The Board may issue the license to a performing arts nonprofit organization.

(d) (1) The license authorizes the holder to sell or serve beer, wine, and liquor at retail for on–premises consumption at up to three locations designated at the time of application.

(2) The locations designated at the time of application must:

(i) be suitable for the production of plays, acts, dramas, concerts, or similar events by individuals performing on a stage or the showing of films; and

(ii) meet any other requirements established by the Board.

(3) The license holder may alter the authorized locations each time the license is renewed.

(e) The license holder may sell or serve beer, wine, and liquor:

(1) 1 hour before and after a performance;

(2) during a performance;

(3) during an intermission; and

(4) during a reception within 1 hour before or after a performance.

(f) The license may not be transferred to another location not identified on the application.

(g) The license holder shall purchase beer, wine, and liquor from a retail license holder or an authorized and licensed wholesaler.

(h) A license holder may not sell or issue more than 750 tickets to any event or performance at which the holder will sell or serve beer, wine, or liquor.

(i) Issuance of a license under this section does not prohibit the Board from issuing a Class C per diem license to the performing arts nonprofit organization for an event outside the scope of the license.

(j) The license holder shall serve or offer for sale snacks at all times when beer, wine, and liquor are sold.

(k) (1) The license holder shall:

(i) keep complete and accurate records of all alcoholic beverages sold, served, and purchased under this section;

(ii) on written request of the Board or the Executive Director, report on the form that the Board or the Executive Director requires information relating to the alcoholic beverages that are the subject of the records required to be kept; and

(iii) on request of the Board or the Executive Director, make the report under oath.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, each license holder shall keep records at the location designated in the license.

(ii) If the license holder is allowed to have more than one location, the license holder may keep the records at the principal location.

(iii) The records shall:

1. meet form and content requirements of the Board or the Executive Director;

2. be preserved for at least 2 years in a manner that ensures permanency; and

3. be made available for audit or inspection during regular business hours by the Board, the Executive Director, or a designee of the Board or the Executive Director.

(3) (i) If a report required by this section or an investigation by the Board, a Board officer, the Executive Director, or any other person indicates that the license holder is violating this section, the Board may summon the license holder and conduct a hearing.

(ii) If the charges at the hearing are sustained, the Board:

1. may impose a fine of not less than $250 and not more than $2,000; and

2. may suspend or revoke the license holder's license immediately.

(l) The annual license fee is $750.

§22–1005.3.

(a) In this section, "performing arts theater" means an area, a building, or a structure designed and used for plays, acts, dramas, concerts, or histrionics by actors or actresses performing on a stage.

(b) There is a performing arts theater beer, wine, and liquor license.

(c) The Board may issue the license for use on the premises of a performing arts theater operated by a for–profit organization.

(d) The license authorizes the holder to sell or serve beer, wine, and liquor at retail for on–premises consumption.

(e) The license holder may sell or serve beer, wine, and liquor:

(1) 1 hour before and after a performance;

(2) during a performance;

(3) during an intermission; and

(4) during a reception 1 hour before or 1 hour after a performance.

(f) The license may not be transferred to another location.

(g) The license holder shall purchase beer, wine, and liquor from an authorized and licensed wholesaler.

(h) The license holder shall serve or offer for sale snacks at all times when beer, wine, and liquor are sold.

(i) The annual license fee is $1,500.

§22–1005.4.

(a) In this section, "resort complex" means a parcel or contiguous parcels of land:

(1) of at least 10 acres;

(2) under common ownership; and

(3) with facilities that:

(i) include lodging, conference spaces, meeting spaces, active outdoor open spaces, waterfront beach activities, or a marina;

(ii) serve the public; and

(iii) resulted in a capital investment of at least $500,000 exclusive of the cost of the land.

(b) There is a resort complex license.

(c) The Board may issue one resort complex license to the person owning, leasing, or operating a resort complex.

(d) The license authorizes the license holder to sell beer, wine, and liquor from:

(1) one or more outlets in the resort complex where the beer, wine, and liquor may be consumed in conjunction with recreation or the playing of music and dancing at designated locations in the resort complex;

(2) one or more outlets in the resort complex that operate as a restaurant;

(3) bars or counters at one or more locations in the resort complex daily for on–premises consumption;

(4) one designated outlet in the resort complex for culinary education and entertainment which may include off–premises consumption; and

(5) one designated outlet in the resort complex for off–premises consumption.

(e) A license holder may serve alcoholic beverages:

(1) at one or more outside outlets in the resort complex on Monday through Sunday, from 6 a.m. to midnight;

(2) at one or more inside outlets in the resort complex:

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

(ii) on Sunday, from 6 a.m. to midnight; and

(3) at one designated outlet for off–premises consumption:

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

(ii) on Sunday, from 6 a.m. to midnight.

(f) A resort complex license is exempt from any quota or restriction on off–sale licenses issued for the election district in which the resort complex is located.

(g) (1) Certain areas in a resort complex may be excluded from the portion of the property that is considered to be the licensed premises.

(2) A person other than the resort complex license holder may obtain a different class of license for an area excluded under paragraph (1) of this subsection.

(h) (1) Subject to paragraph (2) of this subsection, a resort complex for which the license is issued is subject to the alcohol awareness training requirements under § 4–505 of this article.

(2) The Board may determine the minimum number of employees from each outlet in the resort complex that must complete the alcohol awareness training required under this subsection.

(i) (1) The initial license fee is $3,500.

(2) Beginning May 1, 2023, the annual license fee is $4,000.

§22–1006.

(a) (1) In this section the following words have the meanings indicated.

(2) "Concession manager" means a person that provides and supervises under contract the comprehensive management of all food and beverage concession sales on the licensed premises.

(3) "Licensed premises" includes the stadium facility and stadium parking lots.

(b) There is a stadium beer, wine, and liquor license.

(c) The Board may issue the license for a stadium to the owner, lessee, or concession manager of a professional baseball stadium.

(d) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(2) The license holder may sell, serve, or allow the consumption of beer, wine, and liquor on the stadium parking lots only with the prior written approval of the Board.

(e) (1) Subject to paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(2) During a baseball game, a holder of a stadium license may not sell beer, wine, or liquor:

(i) after the beginning of the eighth inning; or

(ii) during a doubleheader game, after the beginning of the sixth inning of the second game.

(f) (1) An individual who serves beer, wine, and liquor on the licensed premises shall hold a certificate from an alcohol awareness program that the Board approves.

(2) (i) Subject to subparagraph (ii) of this paragraph, an individual may serve beer, wine, and liquor during a baseball game.

(ii) An individual may serve beer, wine, and liquor in a glass container only on the club level, in an area in the stadium designated by the license holder to hold a special event, or in a dining area where patrons are seated.

(3) (i) This paragraph does not apply to wine and liquor served on the club level, in an area in the stadium designated by the license holder to hold a special event, or in a dining area where patrons are seated.

(ii) An individual may dispense wine and liquor during a baseball game only from a stationary structure that is in the stadium and equipped with a motor vehicle driver's license scanner.

(4) A license holder may not allow a roving vendor to dispense wine and liquor.

(5) A license holder may not allow a person to carry beer, wine, and liquor onto or off of the licensed premises.

(g) The annual license fee is $7,000.

§22–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 22–1102 of this subtitle;

(2) § 4–1105 ("Refillable container permit — Wine"), subject to § 22–1103 of this subtitle; and

(3) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 22–1104 of this subtitle.

§22–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of:

(1) a Class A–1 license;

(2) a Class A–2 license;

(3) a Class B license that has off–sale privileges; or

(4) a Class D license.

(b) The annual permit fee is $50.

§22–1103.

(a) The Board may issue a refillable container permit for wine to a holder of:

(1) a Class A–1 license;

(2) a Class A–2 license;

(3) a Class B license that has off–sale privileges; or

(4) a Class D license.

(b) The annual permit fee is $50.

§22–1104.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of:

(1) a Class A–1 license;

(2) a Class A–2 license;

(3) a Class B license that has off–sale privileges; or

(4) a Class D license.

(b) (1) Except as provided in paragraph (2) of this subsection, the annual permit fee is $50.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§22–1201.

(a) There is a Class H caterer's beer, wine, and liquor license.

(b) The Board may issue the license to a person that owns, leases, or operates an establishment that has:

(1) one or more banquet rooms suitable for public events; and

(2) food preparation facilities on the premises.

(c) The license authorizes a holder to:

(1) sell or provide all alcoholic beverages at retail for consumption on the premises of the catering establishment during an event; and

(2) (i) contract with a sponsor of a public or private event to provide food and alcoholic beverages; or

(ii) enter into an exclusive lease with a volunteer fire company for a banquet facility that the volunteer fire company owns.

(d) The license holder may:

(1) contract with the sponsor or volunteer fire company under subsection (c)(2) of this section to allow patrons to bring their own alcoholic beverages onto the premises of the license holder for consumption at a catered event;

(2) contract to provide alcoholic beverages at a catered event held off the premises of the license holder if:

(i) the license holder also contracts to provide food for consumption at the event; and

(ii) the event is held in the county; and

(3) once during a calendar year on a date that the holder selects, provide food and sell or provide alcoholic beverages for on–premises consumption at an event that the license holder sponsors.

(e) The annual license fee is $1,500.

(f) A holder of a Class B hotel or restaurant beer, wine, and liquor license that provides catering services on or off the premises for which the license is issued:

(1) is not required to obtain a Class H license; but

(2) is subject to subsection (d)(2) of this section.

§22–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(3) § 4–1204 ("Class C per diem beer, wine, and liquor license");

(4) § 4–1206 ("License to dispose of stock");

(5) § 4–1207 ("Temporary move of licensed premises");

(6) § 4–1208 ("Hours and days of sale"); and

(7) § 4–1209 ("Wine permit for fund–raising event").

(b) Section 4–1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 22–1309.1 of this subtitle.

§22–1305.

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

(b) The Board may issue the license to a holder of a Class A beer and wine (BW) license.

(c) (1) The license authorizes the holder to allow the on–premises consumption of beer and wine for tasting.

(2) The license may be issued for a maximum of:

(i) any 26 days in a licensing period;

(ii) any 52 days in a licensing period; or

(iii) an entire licensing period.

(3) If a license holder is issued a license for any 26 days in a licensing period or any 52 days in a licensing period, the license holder must notify the Board at least 7 days before exercising the privileges of the license.

(d) An individual may consume beer or wine covered by the license in a quantity of not more than 1 ounce from each offering of beer or wine.

(e) The license fee is:

(1) $100 for a 26–day license;

(2) $150 for a 52–day license; and

(3) $225 for a 1–year license.

§22–1306.

(a) There is a cordial, beer, wine, and liquor tasting license.

(b) The Board may issue the license to a holder of a Class A1 beer, wine, and liquor (BWL) license.

(c) (1) The license authorizes the holder to allow the on–premises consumption of cordials, beer, wine, and liquor for tasting.

(2) The license may be issued for a maximum of:

(i) any 26 days in a licensing period;

(ii) any 52 days in a licensing period; or

(iii) an entire licensing period.

(3) If a license holder is issued a license for any 26 days in a licensing period or any 52 days in a licensing period, the license holder must notify the Board at least 7 days before exercising the privileges of the license.

(d) An individual may consume cordials, beer, wine, or liquor covered by the license in a quantity of not more than:

(1) 0.5 ounce from each offering of a cordial;

(2) 1 ounce from each offering of beer or wine; and

(3) 0.5 ounce from each offering of liquor.

(e) The license fee is:

(1) $125 for a 26–day license;

(2) $200 for a 52–day license; and

(3) $400 for a 1–year license.

§22–1309.

(a) (1) A simple majority of the total number of the members of the Board may act to approve or deny an application for a per diem license:

(i) in a formal meeting, with a quorum present; or

(ii) in accordance with paragraph (2) of this subsection, through oral or written contact by any method by the chair with each member of the Board.

(2) The chair shall make a written record under paragraph (1)(ii) of this subsection of how each member and the chair voted.

(b) The Board may not require the publication of an application for a per diem license as a prerequisite to the issuing of the license.

§22–1309.1.

(a) The fee for a Class C per diem beer license or a Class C per diem beer and wine license is $15 per day.

(b) The fee for a Class C per diem beer, wine, and liquor license is $30 per day.

§22–1311.

(a) The Board may issue to a fire department a multiple event beer and wine license.

(b) (1) The license holder may sell or provide beer and wine for on–premises consumption:

(i) at an entertainment event held by the fire department; or

(ii) by a person who has rented or leased an area of the licensed premises for an event and guests who attend the event.

(2) The license holder shall:

(i) contract to provide food for consumption at the event described in paragraph(1)(ii) of this subsection; or

(ii) ensure that food will be available for consumption at the event described in paragraph (1)(ii) of this subsection.

(3) This section does not prohibit a fire department from obtaining a Class C per diem license.

(c) (1) The license shall be in the form that the Board requires.

(2) The applicant shall sign the license.

(d) (1) The Board may not:

(i) issue for a fire department a multiple event beer and wine license more than one time in any year; or

(ii) authorize a multiple event beer and wine license for more than 40 days in a calendar year.

(2) A license holder shall notify the Board in writing at least 7 days before each event for which the license is to be used.

(e) The annual license fees are:

(1) $150 for not more than 10 events per year;

(2) $300 for not more than 20 events per year;

(3) $450 for not more than 30 events per year; and

(4) $600 for not more than 40 events per year.

§22–1401.

(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) § 4–106 ("Payment of notice expenses");

(4) § 4–108 ("Application form required by Comptroller");

(5) § 4–109 ("Required information on application — In general");

(6) § 4–111 ("Payment of license fees");

(7) § 4–112 ("Disposition of license fees"); and

(8) § 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 do not apply in the county:

(1) § 4–104 ("Application on behalf of corporation or club"), which is superseded by § 22–1405 of this subtitle;

(2) § 4–105 ("Application on behalf of limited liability company"), which is superseded by § 22–1405 of this subtitle; and

(3) § 4–110 ("Required information on application — Petition of support").

(c) 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"):

(i) in addition to § 22–1403 of this subtitle; and

(ii) subject to § 22–1404 of this subtitle; and

(2) § 4–113 ("Refund of license fees"), subject to § 22–1406 of this subtitle.

§22–1402.

(a) (1) To be issued a license for the applicant's individual use, the applicant shall be a resident of the county at the time the application is filed.

(2) The license holder is required to remain a resident of the county for as long as the license is in effect.

(b) An applicant under this section is not required to be a registered voter.

§22–1403.

(a) The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

(b) The Board may obtain criminal history record information on license applicants and their agents from the county police, including the county sheriff's department and all municipal police departments in the county.

§22–1404.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

§22–1405.

(a) (1) Except as provided in subsection (c) of this section, a license for the use of a corporation, an unincorporated entity, or a limited liability company shall be applied for by and issued to, as individuals:

(i) three officers holding a financial interest in the corporation; or

(ii) three authorized persons holding a financial interest in the limited liability company.

(2) One of the three individual applicants who apply for a license shall be a resident of the county.

(3) The license shall be in effect so long as the resident applicant remains a resident of the county.

(4) For a license issued after July 1, 1984, the resident applicant:

(i) 1. for a Class A beer and wine license or a Class A–1 or Class A–2 beer, wine, and liquor license, shall own at least 25% of the total corporation, unincorporated entity, or limited liability company;

2. for any type of license other than one specified in item 1 or 3 of this item, shall own at least 10% of the total corporation, unincorporated entity, or limited liability company; or

3. for a Class C–1, Class C–2, or Class C–3 license, may own any amount or no amount of the total corporation, unincorporated entity, or limited liability company;

(ii) shall serve as manager or supervisor; and

(iii) shall be physically present on the premises for a substantial amount of time on a daily basis.

(5) An application for a license shall:

(i) state the name and address of:

1. the corporation or unincorporated entity and each officer who holds a financial interest in the corporation or unincorporated entity; or

2. the limited liability company and each authorized person who holds a financial interest in the limited liability company; and

(ii) be signed by:

1. the president or vice president of a corporation or an unincorporated entity and the three officers to whom the license is issued; or

2. the three authorized persons of a limited liability company to whom the license is issued.

(6) If there are fewer than three officers or directors of a corporation or an unincorporated entity or fewer than three authorized persons of a limited liability company, each officer, director, or authorized person holding a financial interest in the corporation, unincorporated entity, or limited liability company shall apply for the license.

(7) If a close corporation does not have officers or directors, one or more resident stockholders who own more than 50% of the stock together may apply for the license.

(b) (1) In this section, "owner":

(i) means a person who has a real, provable financial interest in the business; and

(ii) includes a stockholder or managerial employee of the actual owner.

(2) Stock ownership requirements established under subsection (a) of this section do not apply to an applicant for a Class B hotel or restaurant beer, wine, and liquor license or a Class BNR beer, wine, and liquor license in which:

(i) a majority of the stock is owned or controlled either directly or indirectly by one or more corporations and is authorized for sale by the United States Securities and Exchange Commission;

(ii) at least one license holder is a resident applicant of the business conducted on the licensed premises who is responsible for the day–to–day operation of the business; and

(iii) each license holder is a named officer of the corporation.

(3) The residency requirements established under subsection (a) of this section remain in effect for a Class B hotel or restaurant beer, wine, and liquor

license or a Class BNR beer, wine, and liquor license for as long as the license is in effect.

(c) (1) A Class ALP (assisted living program) beer, wine, and liquor license shall be applied for by and issued to the manager of the assisted living program.

(2) The pecuniary interest requirements established under subsection (a) of this section, including stock ownership and limited liability company membership interests, do not apply to an applicant for a Class ALP (assisted living program) beer, wine, and liquor license.

§22–1406.

A license holder is entitled to a refund of the unearned portion of the license fee if the license holder voluntarily surrenders the license.

§22–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–209 ("Hearing");

(5) § 4–213 ("Replacement licenses"); and

(6) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to § 22–1502 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to §§ 22–1503 and 22–1504 of this subtitle and Subtitle 13, Part III, Subtitle 16, Part II, and § 22–1005.2 of this title;

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to §§ 22–1503 and 22–1504 of this subtitle and Subtitle 13, Part III of this title;

(4) § 4–208 ("Notice of license application required"), subject to § 22–1505 of this subtitle;

(5) § 4–210 ("Approval or denial of license application"), subject to §§ 22–1506 and 22–1507 of this subtitle;

(6) § 4–211 ("License forms; effective date; expiration"), subject to § 22–1508 of this subtitle; and

(7) § 4–212 ("License not property"), in addition to § 22–1509 of this subtitle.

§22–1502.

(a) In addition to food cooked or prepared on the licensed premises, a license holder may sell other goods that the Board specifies, including nonalcoholic drinks and food prepared off the licensed premises.

(b) The Board shall print a list of the saleable goods under subsection (a) of this section and provide a copy to each license holder when the license is issued.

(c) If the Board makes a change to the list, the Board shall immediately mail a copy of the revised list to each license holder.

§22–1503.

(a) (1) Except as otherwise provided in this title, a person may not have interest in more than one license.

(2) Paragraph (1) of this subsection applies whether the license is held or controlled by direct or indirect ownership, by franchise operation, by stock ownership, by interlocking directors or interlocking stock ownership, or in any other manner, directly or indirectly.

(b) Under subsection (a) of this section, an indirect ownership interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:

(1) a common parent company;

(2) a franchise agreement;

(3) a licensing agreement;

(4) a concession agreement;

(5) dual membership in a chain of businesses commonly owned and operated;

(6) a sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries; or

(7) a sharing of a common trade name, trademark, logo, or theme, or mode of operation identifiable by the public.

§22–1504.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§22–1505.

(a) Before holding a hearing for an application for a license, the Board shall:

(1) publish notice of the application two times in 2 successive weeks in one newspaper of general circulation published in the county; or

(2) post notice of the application hearing online at least 14 days before the application hearing date.

(b) (1) For a hearing for an application for a new license or an upgrade to an existing license, the Board shall post a notice in a conspicuous location on the exterior of the location described in the application.

(2) The notice shall be on a sign that measures at least 12 by 18 inches and include:

(i) the class of license for which application is made;

(ii) the name of the applicant; and

(iii) the date, time, and location for the application hearing.

(3) The notice shall remain posted for 20 days before the hearing.

(c) (1) The Board shall publish its decision on an application for a new license, an upgrade of an existing license, or a change of location of an existing license:

(i) in one newspaper of general circulation published in the county; or

(ii) on the Board's website.

(2) The decision shall state the name of the license holder, the type of license, and the location of the premises.

§22–1506.

The Board may not issue a license to a person or an agent of the person who has been convicted in a federal or State court of:

(1) a felony; or

(2) a violation of the laws governing:

(i) the manufacture or sale of alcoholic beverages;

(ii) maintaining or operating a brothel; or

(iii) gaming.

§22–1507.

Before the Board issues a license, the Board shall consider and determine as suitable:

(1) the moral character and financial responsibility of the applicant;

(2) the general fitness of the applicant to uphold the public trust; and

(3) the appropriateness of the location described in the application, taking into consideration:

(i) the number of existing licenses; and

(ii) any objections from property owners living in the immediate neighborhood of the location described in the application.

§22–1508.

(a) A license shall describe the location of the licensed premises.

(b) (1) Subject to paragraph (2) of this subsection, the decision of the Board becomes effective 5 days after the date of publication of the decision.

(2) The Board may waive the 5–day period if no written or oral objection is raised to the Board's decision by the end of the application hearing.

§22–1509.

A license is not subject to:

(1) a writ of execution by a judgment creditor of a license holder;

(2) a distraint for rent; or

(3) sale or transfer, unless the license accompanies the business for which the license was issued.

§22–1601.

(a) For every 4,750 individuals in the county, as specified by the Maryland Department of Health, the Board may not issue more than:

(1) one Class A (off–sale) license;

(2) one Class A–1 (off–sale) license; or

(3) one Class A–2 (off–sale) license.

(b) If the number of licenses in a class exceeds the quota specified in subsection (a) of this section, the Board may not issue a new license of that class

unless the number of licenses of that class is reduced by revocation or surrender, creating a vacancy under the particular quota specified.

(c) This section does not apply to the transfer, conversion, or renewal of a license.

§22–1602.

(a) This section does not apply to:

(1) a license in effect on July 1, 1975, or the issuance or transfer of a Class B (on–sale) beer, wine, and liquor license for use on any premises licensed on July 1, 1975;

(2) a license in effect on July 1, 1977;

(3) the renewal, transfer, or upgrading of a license, unless the license is transferred to a new location; and

(4) the issuance of:

(i) a 1–day license that is to be used on the premises of a place of worship or school;

(ii) a Class HC (health club) license;

(iii) a Class GC (golf course) license;

(iv) a Class CCFA (continuing care facility) license;

(v) a Class ALP (assisted living program) license; and

(vi) a gift basket permit.

(b) (1) (i) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Board may not issue a license for an establishment that is within 300 feet of a place of worship.

(ii) The distance from the establishment to the place of worship is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the place of worship.

(2) Paragraph (1) of this subsection does not apply to the issuance of:

(i) a 1–day license for use in a building;

(ii) a license issued to a hotel, motel, restaurant, club, caterer, brewery, or distillery in a municipality; and

(iii) a Class H beer, wine, and liquor license issued to a caterer for use in a banquet facility in an establishment if:

1. the construction of the establishment was completed after July 1, 1991; and

2. the establishment is used for emergency operations by a volunteer fire company.

(c) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may waive the distance restrictions from a place of worship and issue a license on a case–by–case basis.

(2) Before the Board decides whether to waive the distance restrictions from a place of worship under paragraph (1) of this subsection:

(i) a public hearing shall be held by the governing body of:

1. if the establishment is located in a municipality, the municipality where the establishment is located; or

2. if the establishment is located outside the boundaries of a municipality, the county;

(ii) the governing body shall make a recommendation to the Board regarding whether the distance restrictions should be waived; and

(iii) after receiving a recommendation:

1. in favor of the waiver, the Board shall hold a public hearing; or

2. to deny a waiver, the Board shall deny the waiver.

(3) In making a decision whether to waive the distance restrictions from a place of worship, the Board shall consider:

(i) comments received from members and leaders of the place of worship; and

(ii) comments made at the public hearing held by the Board.

(d) (1) (i) Except as provided in paragraph (2) of this subsection, the Board may not issue a license to a business establishment that is within 1,000 feet of a public or private school building.

(ii) The distance from the establishment to the public or private school is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the school.

(2) The Board may issue a license to a business establishment in Harford County and in a municipality in Harford County if the business establishment is not located within 300 feet of a public or private school.

(3) A decision of the County Board of Education to locate a public school building within 1,000 feet of the premises of a license holder may not be the basis to revoke or deny the renewal, transfer, or upgrading of the license.

(e) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may waive the distance restrictions from a public or private school building and issue a Class B (on–sale) restaurant license or a Class B cafe license on a case–by–case basis.

(2) Before the Board decides whether to waive the distance restrictions from a public or private school building under paragraph (1) of this subsection:

(i) a public hearing shall be held by the governing body of:

1. if the restaurant is located in a municipality, the municipality where the restaurant is located; or

2. if the restaurant is located outside the boundaries of a municipality, the county where the restaurant is located;

(ii) the governing body shall make a recommendation to the Board regarding whether the distance restrictions should be waived; and

(iii) after receiving the recommendation, the Board shall hold a public hearing.

(3) In making a decision whether to waive the distance restrictions from a public or private school building, the Board shall take into consideration:

(i) the recommendation from the governing body;

(ii) comments received from parents whose children attend the public or private school; and

(iii) comments made at the public hearing held by the Board.

§22–1603.

(a) (1) Except as provided in paragraph (2) of this subsection, any license with an off–sale privilege may not be issued for or transferred to:

(i) a chain store;

(ii) a supermarket;

(iii) a discount house; or

(iv) a franchisor, franchisee, or concessionaire of an establishment listed in this paragraph.

(2) Paragraph (1) of this subsection does not apply to the renewal of a license.

(b) An establishment that on July 1, 1976, held a license with an off–sale privilege may continue to hold the license or apply to upgrade to a Class A–1 or Class A–2 license.

§22–1604.

The Board may not issue any license with an off–sale privilege for use in a business that is intended to be operated as a drive–through sales facility at which alcoholic beverages are:

(1) sold at retail; and

(2) dispensed through a window or door to a purchaser in or on a motor vehicle for off–premises consumption.

§22–1607.

(a) Except as provided in subsection (b) of this section, the Board may issue a maximum number of nine Class B licenses to the same person.

(b) (1) The Board may issue one Class GSF (golf simulator facility) license under § 22–1003.2 of this title to the holder of one or more Class B licenses.

(2) A Class GSF (golf simulator facility) license issued under paragraph (1) of this subsection shall be included in the total number of licenses that may be issued to the same person under subsection (a) of this section.

§22–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house");

(2) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(3) § 4–306 ("Substitution of names of officers on license").

(b) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory"), subject to §§ 22–1703 and 22–1704 of this subtitle; and

(2) § 4–305 ("Filing fees and endorsement"), subject to § 22–1705 of this subtitle.

§22–1702.

(a) On receipt of an application for a transfer of a license, the Board shall:

(1) schedule a public hearing; and

(2) post a notice of the hearing in a conspicuous place on the exterior of the premises described in the application.

(b) The notice required under subsection (a) of this section shall:

(1) be on a sign measuring not less than 12 by 18 inches;

(2) specify the class of license subject to the application, name of the applicant, and time, date, and place of the hearing; and

(3) remain posted for at least 20 days before the hearing.

§22–1703.

(a) The Board shall transfer a license that is issued for use in a business if:

(1) the business is sold to a different owner; and

(2) the new owner qualifies as a license holder.

(b) (1) This subsection applies to the resident applicant of a licensed establishment for which a license was transferred after July 1, 1984, on behalf of a corporation, an unincorporated entity, or a limited liability company.

(2) The resident applicant:

(i) 1. if the transferred license is a Class A beer and wine license or a Class A–1 or Class A–2 beer, wine, and liquor license, shall own at least 25% of the total corporation, unincorporated entity, or limited liability company;

2. if the transferred license is any type of license other than one specified in item 1 or 3 of this item, shall own at least 10% of the total business; or

3. for a Class C–1, Class C–2, or Class C–3 license, may own any amount or no amount of the total corporation, unincorporated entity, or limited liability company;

(ii) shall serve as manager or supervisor; and

(iii) shall be physically present on the premises a substantial amount of time on a daily basis.

§22–1704.

The Board may not transfer the location or ownership of:

(1) a license for use in a business that is intended to be operated as a drive–through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off–premises consumption; or

(2) an off–sale license with the privilege of operating the premises as a drive–through purchase facility.

§22–1705.

(a) The Board may charge a fee for the transfer of a license that may not exceed the administration cost for processing the transfer.

(b) If a license is transferred before its expiration date, the Board shall allow the transferee to operate under the license until the license expiration date without additional charge.

(c) If a license is transferred on its expiration date, the charge for the transfer is the same as the fee for the issuance of the license.

§22–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–406 ("Protests");

(4) § 4–407 ("Denial of renewal application");

(5) § 4–408 ("Issuance of renewed licenses");

(6) § 4–409 ("Multiple licenses"); and

(7) § 4–410 ("Chain store, supermarket, or discount house").

(b) Section 4–404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 22–1802 of this subtitle.

(c) Section 4–405 ("Contents of renewal application") of Division I of this article applies in the county, subject to § 22–1803 of this subtitle.

§22–1802.

(a) An application to renew an annual license shall be filed between February 1 and April 1, inclusive.

(b) The Board may consider a license renewal application received after April 1 for 30 days before it takes final action on the application.

§22–1803.

An application for a license renewal shall be in the form the Board adopts by regulation.

§22–1804.

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

§22–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 22–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 22–1903 of this subtitle.

§22–1902.

(a) A license holder may not:

(1) employ or allow an individual under the age of 18 years to sell or serve alcoholic beverages; or

(2) except as provided in subsection (b) of this section, employ an individual under the age of 21 years to act as a bartender or to serve alcoholic beverages at a permanent full–service bar.

(b) An individual at least 18 years old may act as a bartender or serve alcoholic beverages at a permanent full–service bar if the individual is the son or daughter of the owner of the licensed premises.

(c) A license holder may employ:

(1) an individual at least 18 years old to serve alcoholic beverages while acting as a server; or

(2) an individual at least 16 years old to act as a bartender's assistant who:

(i) may replace ice, remove trash, or perform similar tasks that do not involve alcoholic beverages; but

(ii) may not engage in the distribution or sale of alcoholic beverages.

§22–1903.

(a) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall be:

(1) certified by an approved alcohol awareness program; and

(2) present on the licensed premises during the hours in which alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

(1) for the first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or a suspension or revocation of the license or both.

§22–1904.

(a) A holder of a license with an on–sale privilege shall:

(1) keep complete and accurate books of account of daily receipts and expenditures in the form that the Board requires; and

(2) procure vouchers or purchase slips for all alcoholic beverages, food, and other items bought for sale.

(b) An on–sale license holder shall:

(1) keep the records required under subsection (a) of this section at the location designated in the license or another location in the county; and

(2) on at least 5 days' notice, make the records available for inspection by the Board or a designee of the Board.

(c) (1) If a report required by this section or an investigation by the Board, a Board officer, or any other person indicates that a holder of a license with an on–sale privilege is violating this title, the Board shall summon the license holder and conduct a hearing.

(2) If the charges at the hearing are sustained, the Board:

(i) shall impose a fine of not less than $250 and not more than $2,000; and

(ii) may suspend or revoke the license holder's license immediately.

§22–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§22–2003.

(a) A holder of a Class A beer and wine license may sell beer and wine on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer and wine license may sell beer and wine on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer and wine license may sell beer and wine on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(d) Reserved.

§22–2004.

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

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

(1) for a 6–day license, on Monday through Saturday, from 8 a.m. to 2 a.m. the following day; and

(2) for a 7–day license, on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(d) (1) Subject to paragraph (2) of this subsection, a holder of a Class BFD (fine dining) on–sale beer, wine, and liquor license may sell beer, wine, and liquor:

(i) for a 6–day license, on Monday through Saturday, from 8 a.m. to 2 a.m. the following day; and

(ii) for a 7–day license, on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(2) The restaurant for which a Class BFD license is issued shall open for business not later than 5 p.m.

(e) A holder of a Class BNR on–sale beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(f) (1) This subsection applies to Class C–1, C–2, and C–3 (on–sale) organization or club beer, wine, and liquor licenses.

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

(i) for a 6–day license, on Monday through Saturday, from 8 a.m. to 2 a.m. the following day; and

(ii) for a 7–day license, on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(g) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

§22–2005.

This title does not require a holder of a license that allows the sale of alcoholic beverages for on–premises consumption to close the licensed premises until 2 a.m. on January 1.

§22–2006.

A license holder may not:

(1) allow alcoholic beverages to be consumed on the license holder's premises between 2:15 a.m. and 8 a.m. the same day; or

(2) allow an alcoholic beverage glass, bottle, or container to remain on a table or serving counter after 2:30 a.m.

§22–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–603 ("Revocation and suspension procedures");

(3) § 4–605 ("Nudity and sexual displays"); and

(4) § 4–606 ("Effects of revocation").

(b) Section 4–604 ("Grounds for revocation or suspension") of Division I of this article applies in the county, subject to § 22–2102 of this subtitle.

§22–2102.

(a) The Board and general manager shall have frequent inspections made of the premises of all license holders.

(b) The Board may impose the penalties in § 22–2706 of this title if, after a public hearing, the Board finds that:

(1) a license holder or an agent or employee of the license holder:

(i) has violated this article or regulations adopted under this article;

(ii) has failed to observe in good faith the purposes of this article; or

(iii) has not maintained the premises in a clean and sanitary manner;

(2) on the licensed premises there is:

(i) illegal gambling;

(ii) an illegal gambling device; or

(iii) an alcoholic beverage not authorized to be sold under the appropriate license; or

(3) the license holder has been convicted in federal or State court of a felony.

(c) (1) The Board shall report its findings within 14 calendar days after the hearing or, if earlier, at the next regularly scheduled meeting of the Board.

(2) The Board shall report cases of potential criminal wrongdoing to the State's Attorney and the Sheriff for prosecution.

§22–2103.

(a) (1) Subject to paragraph (2) of this subsection, the Board may not issue a license to an applicant if the license has been previously denied, suspended, or revoked unless:

(i) 1. the applicant executes a surety bond of $1,000 to the State;

2. the Board approves the surety; and

3. the surety bond is conditioned on the faithful observance of the laws governing alcoholic beverages in the State; or

(ii) the Board:

1. accepts $1,000 in cash; and

2. deposits the cash and records the deposit.

(2) The Board may waive a required surety bond or cash deposit.

(b) The bond shall secure the payment of all costs, fines, and penalties imposed on the applicant on a charging document for a violation of alcoholic beverages laws in the county.

(c) (1) The applicant shall deposit an approved bond with the Board.

(2) The Board shall record the bond in a book kept for that purpose.

(3) The record or a certified copy of the record is evidence of the bond.

(d) The Board may stop requiring a license holder to post bond if the Board finds that the license holder has complied with the terms of a bond for 1 calendar year.

(e) (1) The Board may petition for forfeiture of the bond in circuit court if:

(i) the Board determines that the license holder has failed to observe the terms of the bond; and

(ii) sufficient notice is given to the license holder.

(2) If the circuit court declares the bond forfeited, the bond shall be payable to the Board.

§22–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§22–2202.

The Board may authorize the closing of a licensed premises for not more than 9 months if:

(1) the Board determines that the licensed premises is seasonally operated; and

(2) the license holder submits a written request to the Board at least 30 days before:

(i) the anticipated date of closing; and

(ii) the anticipated date of reopening.

§22–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

§22–2401.

(a) The following sections of Title 4, Subtitle 9 ("Judicial Review") of Division I of this article apply in the county without exception or variation:

(1) § 4–902 ("Judicial review of decision of local licensing board");

(2) § 4–903 ("Petitioners");

(3) § 4–904 ("Stay of local board's petition");

(4) § 4–906 ("Representation of local licensing board");

(5) § 4–907 ("Affirmations, modifications, and reversals"); and

(6) § 4–908 ("Appeals to Appellate Court of Maryland and Supreme Court of Maryland").

(b) Section 4–905 ("Scope of judicial review") of Division I of this article applies in the county, subject to § 22–2403 of this subtitle.

§22–2402.

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

§22–2403.

The Board may choose to:

(1) have an action for judicial review tried before a jury; and

(2) if the Board has suspended or revoked a license, allow the license holder to operate pending the outcome of the judicial review.

§22–2501.

(a) Except as provided in subsection (b) of this section and otherwise provided in this article, a person may not knowingly allow the consumption, possession, or transfer of alcoholic beverages in an establishment that is a restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment if:

(1) the establishment is not licensed by the Board;

(2) the person possesses or controls the establishment as owner, lessee, or user; and

(3) the establishment is:

(i) open to the public or licensed by the State; or

(ii) licensed by the State or a county unit other than the Board.

(b) (1) The prohibition under subsection (a) of this section does not apply to:

(i) the room of a registered guest in a hotel, motel, or hospice; or

(ii) the property of:

1. a volunteer fire company;

2. a catering establishment;

3. a community or civic association;

4. a swim club;

5. a social, civic, nonprofit, charitable, fraternal, patriotic, educational, or public service organization; or

6. a religious institution that has been in existence for at least 3 years.

(2) The Board may exempt a place similar to one listed in paragraph (1) of this subsection on a case–by–case basis.

(3) The Board shall adopt regulations to administer this subsection.

(c) An owner, a manager, or an employee of an establishment subject to the prohibitions of this section who knowingly allows the prohibited consumption in violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

§22–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§22–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–205 ("Peace officers");

(4) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(5) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(6) § 6–208 ("Regulating possession or consumption of alcohol in public places"); and

(7) § 6–209 ("Adoption of standards for authorization of consumption").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 22–2602 of this subtitle.

(c) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county:

(1) § 6–204 ("Power to summon witnesses"), in addition to § 22–2604 of this subtitle; and

(2) § 6–211 ("Fines and forfeitures"), subject to § 22–2606 of this subtitle.

§22–2602.

The county may:

(1) adopt an ordinance or a resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

§22–2603.

(a) If the Board or an inspector of the Board receives a complaint or information about a violation of this title by a license holder, the Board shall order an inspector to investigate.

(b) If the investigation shows that the complaint or information is supported by evidence, the Board shall handle the case in accordance with § 22–2102 of this title.

§22–2604.

In addition to the sheriff who may serve a summons under § 6–204 of this article, an inspector that the Board employs may serve a summons.

§22–2605.

An inspector who investigates a license violation may issue a civil citation as provided in § 10–119 of the Criminal Law Article.

§22–2606.

Each fine imposed or recognizance forfeited for a violation of this article that was committed in the county shall be payable to the Board.

§22–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 ("Maximum alcohol content");

(12) § 6–317 ("Multiple serving purchase required");

(13) § 6–320 ("Disorderly intoxication");

(14) § 6–321 ("Consumption of alcoholic beverages in public");

(15) § 6–323 ("Possession or use of Alcohol Without Liquid machine");

(16) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");

(17) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");

(18) § 6–328 ("Tax evasion");

(19) § 6–329 ("Destruction of evidence"); and

(20) § 6–330 ("Perjury").

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 22–2702 of this subtitle;

(2) §§ 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder") and 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder"), subject to § 22–2703 of this subtitle; and

(3) § 6–322 ("Possession of open container"), subject to § 22–2704 of this subtitle.

§22–2702.

A license holder may not be found guilty of a violation of § 6–304 of this article if the license holder establishes to the satisfaction of the finder of fact that the license holder used due caution to establish that the individual was not under the age of 21 years.

§22–2703.

A person may possess alcoholic beverages on the premises of a license holder if:

(1) the alcoholic beverages are owned by a member of a club licensed for the sale of beer and wine or beer, wine, and liquor and are consumed on the premises;

(2) the alcoholic beverages:

(i) have been brought on the premises of an on–sale restaurant for consumption and use in a private dining room at a private gathering; and

(ii) have not been provided by the license holder of the restaurant; or

(3) a dance or social event is:

(i) held on the premises of an establishment of a holder of a Class C license; and

(ii) 1. advertised as being bring your own (BYO); or

2. sponsored by a member of the club or by a guest that a club member sponsors.

§22–2704.

An individual may possess an alcoholic beverage in an open container on private property described under § 6–322(a)(1) of this article only if the individual possesses and presents the written consent of the owner of the property.

§22–2705.

(a) In this section, "knowingly" means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

§22–2706.

(a) A license holder who operates a pool or billiard parlor on the licensed premises may not allow an individual under the age of 18 years, unless accompanied by a parent, to enter into or loiter about the part of the premises devoted to the playing of pool or billiards.

(b) After a public hearing, if the Board determines that a license holder or an agent or employee of the license holder has violated this section, the Board may impose:

(1) for a first offense within the licensing period:

(i) a fine not exceeding $2,000; or

(ii) suspension or revocation of the license; or

(2) for a subsequent offense within the same licensing period as the first offense:

(i) a fine not exceeding $2,000; and

(ii) suspension or revocation of the license.

§22–2801.

(a) Section 6–402(b) ("General penalty — Imposition of penalty") of Division I of this article applies in the county without exception or variation.

(b) Section 6–402(a) ("General penalty — In general") of Division I of this article does not apply in the county and is superseded by § 22–2802 of this subtitle.

§22–2802.

(a) A person who violates this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both unless another penalty is specified.

(b) (1) After a person is convicted for the illegal sale, offer of sale, or possession of alcoholic beverages, the Sheriff or other law enforcement officer in the county shall seize the alcoholic beverages and deliver them to the Board.

(2) The Board shall sell the alcoholic beverages and pay the proceeds to the County Treasurer.

§23–101.

(a) In this title:

(1) 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 Howard County.

(c) "County" means Howard County.

(d) "Light wine" means wine that contains not more than 15.5% of alcohol by volume.

§23–102.

This title applies only in Howard County.

§23–103.

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§23–201.

In this subtitle, "Hearing Board" means the Appointed Alcoholic Beverage Hearing Board established under § 23–204 of this subtitle.

§23–202.

There is a Board of License Commissioners for Howard County.

§23–203.

(a) The County Council sits as the Board of License Commissioners.

(b) A member of the Board of License Commissioners is subject to the public ethics laws of the county.

§23–204.

There is an Appointed Alcoholic Beverage Hearing Board in the county.

§23–205.

(a) (1) The County Executive shall appoint five members to the Hearing Board subject to confirmation by the County Council in accordance with this section.

(2) One member shall be from each councilmanic district.

(3) Not more than three members may be registered with the same political party.

(4) (i) Each political party that polled at least 25% of the total vote cast for all candidates for the office of County Executive in the most recent general election shall have at least one representative on the Hearing Board.

(ii) If a political party that polled at least 25% of the total vote cast for all candidates for the office of County Executive in the most recent general election does not have at least one representative on the Hearing Board, the next vacancy on the Hearing Board shall be filled with an individual registered with that party.

(b) (1) Each member of the County Council shall nominate to the County Executive three qualified individuals who live in the district of the member of the County Council.

(2) The County Executive shall appoint to the Hearing Board one individual from the list of nominees that each member of the County Council submits.

(3) The County Council by resolution shall confirm the appointment of Hearing Board members.

(c) To qualify for appointment as a Hearing Board member, an individual shall be:

(1) of good moral character and integrity;

(2) a registered voter of the county immediately prior to the appointment; and

(3) at least 21 years old.

(d) (1) A Hearing Board member:

(i) may not hold another public office or be employed by the county government;

(ii) shall be a registered voter of the county during the Hearing Board member's term of office; and

(iii) is subject to the public ethics laws of the county.

(2) Except as provided in paragraph (3) of this subsection, a Hearing Board member may not have a direct or indirect interest in:

(i) a premises where alcoholic beverages are manufactured or sold; or

(ii) a business wholly or partly devoted to the manufacture or sale of alcoholic beverages.

(3) A Hearing Board member may be a holder of a 1–day or 2–day license.

(e) (1) The term of a Hearing Board member is 5 years.

(2) The terms of the Hearing Board members are staggered as required by the terms provided for Hearing Board members on July 1, 2016.

(3) A Hearing Board member whose term has expired and who has served 8 or more consecutive years on the Hearing Board is not eligible for immediate reappointment to the Hearing Board.

(f) A Hearing Board member who is appointed to fill a vacancy shall serve the remainder of the unexpired term and until a successor is appointed and qualifies.

(g) The County Council may remove a Hearing Board member for:

(1) incompetence;

(2) misconduct;

(3) unprofessional conduct;

(4) dishonorable conduct;

(5) neglect of a duty required by law;

(6) failure to meet the qualifications of subsection (c) of this section; or

(7) a violation of subsection (d)(2) of this section.

§23–206.

From among its members, the Hearing Board shall elect a chair.

§23–207.

(a) (1) A majority of the members then serving on the Hearing Board is a quorum.

(2) A majority of the authorized membership of the Hearing Board is needed to take action.

(b) The Hearing Board shall meet at least once each month.

(c) (1) The compensation of the Hearing Board members for the performance of their duties shall be the amount set by the County Council.

(2) The compensation for members of the Board of License Commissioners for the performance of their duties shall be:

(i) for the chair, $55 per meeting attended, not to exceed $1,300 in a fiscal year regardless of the number of meetings attended; and

(ii) for each other member of the Board of License Commissioners, $50 per meeting attended, not to exceed $1,200 in a fiscal year regardless of the number of meetings attended.

(d) (1) Personnel needed to carry out the duties of the Hearing Board and the Board of License Commissioners shall be:

(i) included in the staff of the County Council; and

(ii) supervised by the County Council Administrator.

(2) (i) The County Police Department shall employ inspectors to assist the Hearing Board and the Board of License Commissioners in carrying out their responsibilities and in enforcing the law.

(ii) An inspector who investigates a license violation may issue a civil citation as provided in § 10–119 of the Criminal Law Article.

(iii) The Chief of the County Police Department shall have final selection authority over the hiring of the inspectors.

(3) An employee of the Hearing Board or the Board of License Commissioners is subject to the public ethics laws of the county.

(e) (1) The Hearing Board and the Board of License Commissioners shall submit an annual budget request to the County Council not later than January 15 in each year for the ensuing fiscal year.

(2) The budget request shall include:

(i) salaries for the Hearing Board chair and other Hearing Board members;

(ii) compensation of personnel assigned to the Hearing Board; and

(iii) expenses for office supplies, equipment, and services to carry out the responsibilities of the Hearing Board.

(3) (i) The County Council shall:

1. review the budget request; and

2. submit a budget for the Hearing Board and the Board of License Commissioners to the County Executive in the amount that the County Council determines is adequate to support the duties and responsibilities of the Hearing Board and the Board of License Commissioners.

(ii) The County Executive shall include the budget for the Hearing Board and the Board of License Commissioners as submitted by the County Council in the county budget that is prepared in accordance with Article VI of the Howard County Charter.

§23–208.

(a) Except as provided in subsection (c) of this section, the Board of License Commissioners shall delegate to the Hearing Board the authority to hold hearings and decide cases involving a license holder.

(b) The Hearing Board shall give the Board of License Commissioners regular and prompt notice of the filing of each:

(1) application for a license or change in license; and

(2) petition alleging that a violation of an alcoholic beverages law has occurred.

(c) After giving notice to the Hearing Board and the applicant or license holder, the Board of License Commissioners may exercise original jurisdiction for and hear a case that is before the Hearing Board if the Board of License Commissioners determines that exercising original jurisdiction is desirable and in the public interest.

(d) (1) After the Hearing Board proposes a decision regarding a case before it, a party, another participant in the matter, or another person who would be aggrieved by the decision may request that the Board of License Commissioners hold a hearing and make a final decision.

(2) A person that makes a request to the Board of License Commissioners under this subsection shall:

(i) make the request in writing;

(ii) include a copy of the proposed decision and order of the Hearing Board;

(iii) state the reasons why the person believes that the proposed decision or order is wrong; and

(iv) send a copy of the request and accompanying materials to all other parties to the case.

(3) If a request is submitted to the Board of License Commissioners, the proposed decision of the Hearing Board is stayed until resolution of the case by the Board of License Commissioners.

(4) After a request for a hearing is submitted to the Board of License Commissioners, any other party to the proceeding may submit to the Board of License Commissioners a response stating why the proposed decision and order by the Hearing Board should be upheld.

(e) (1) After the deadline to file a response to a request for a hearing, the Board of License Commissioners shall:

(i) schedule a public meeting to decide whether to hear the case; and

(ii) notify the parties of the meeting date.

(2) The proposed decision of the Hearing Board becomes final if:

(i) a request for a hearing is not submitted to the Board of License Commissioners on or before the deadline for a request; or

(ii) the Board decides not to hear the case.

(3) After deciding to hear a case, the Board of License Commissioners shall:

(i) schedule a de novo hearing at which the Board of License Commissioners may hear witnesses; and

(ii) notify the parties of the hearing date.

(4) After the close of the hearing record, the Board of License Commissioners shall issue a final decision to the parties.

§23–209.

(a) The Board of License Commissioners or the Hearing Board may issue licenses.

(b) The county shall:

(1) pay from the license fee receipts the salaries and expenses of the Board of License Commissioners; and

(2) devote the balance of the receipts to the general purposes of the county.

§23–210.

(a) The Hearing Board shall:

(1) propose regulations to enable it to carry out its duties, including the issuance of licenses; and

(2) submit the proposed regulations to the Board of License Commissioners for approval.

(b) The Board of License Commissioners may adopt regulations to carry out this article.

§23–301.

There is no liquor control board or department of liquor control in the county.

§23–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–210 ("Class 8 farm brewery license");

(9) § 2–211 ("Residency requirement");

(10) § 2–212 ("Additional licenses");

(11) § 2–213 ("Additional fees");

(12) § 2–214 ("Sale or delivery restricted");

(13) § 2–216 ("Interaction between manufacturing entities and retailers");

(14) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(15) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article do not apply in the county:

(1) § 2–208 ("Class 6 pub–brewery license"); and

(2) § 2–215 ("Beer sale on credit to retail dealer prohibited").

(c) Section 2–209 ("Class 7 micro–brewery license") of Division I of this article applies in the county, subject to § 23–403 of this subtitle.

§23–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§23–403.

(a) The licensed premises for which a Class 7 micro–brewery license is issued may be separate from the restaurant premises for which a Class B beer, wine, and liquor license is issued, but shall be under the same roof.

(b) The Executive Director may issue the Class 7 micro–brewery license not more than 36 months before the restaurant is complete and the Class B beer, wine, and liquor (on–sale) license is issued.

(c) If the restaurant does not obtain a Class B beer, wine, and liquor (on–sale) license within 36 months after opening, the Class 7 micro–brewery license is revoked immediately.

(d) A Class 7 micro–brewery license holder may hold a Class 8 farm brewery license for a premises located in the county.

§23–501.

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–301 ("Licenses issued by Comptroller");

(2) § 2–302 ("Class 1 beer, wine, and liquor wholesaler's license");

(3) § 2–303 ("Class 2 wine and liquor wholesaler's license");

(4) § 2–304 ("Class 3 beer and wine wholesaler's license");

(5) § 2–305 ("Class 4 beer wholesaler's license");

(6) § 2–306 ("Class 5 wine wholesaler's license");

(7) § 2–307 ("Class 6 limited wine wholesaler's license");

(8) § 2–308 ("Class 7 limited beer wholesaler's license");

(9) § 2–309 ("Sale and delivery of beer or wine from wholesaler's vehicle");

(10) § 2–310 ("Sale and delivery to retail license holder");

(11) § 2–311 ("Additional wholesaler's licenses");

(12) § 2–312 ("Direct importation of alcoholic beverages");

(13) § 2–313 ("Sale or delivery restricted to holder of license or permit");

(14) § 2–315 ("Interaction between wholesaling entities and retailers");

(15) § 2–316 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

(b) Section 2–314 ("Beer sale on credit to retail dealer prohibited") of Division I of this article does not apply in the county.

§23–502.

Except as provided in § 23–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§23–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§23–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is $150.

§23–602.

(a) There is a Class B beer license.

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

(c) The annual license fee is $150.

§23–603.

(a) There is a Class C beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(2) A license may be issued only to a club:

(i) that is composed exclusively of members who served in the armed forces of the United States;

(ii) that is affiliated with a national organization;

(iii) that has at least 75 members who paid dues as required by its national organization in the year immediately preceding the year for which the license is issued;

(iv) with at least 75% of its membership consisting of individuals who have resided in the county for at least 2 years immediately preceding the date of the application for the license; and

(v) that has maintained a post in the county for at least 3 years immediately preceding the date of the application.

(c) The annual license fee is $25.

§23–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on–and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is $150.

§23–701.

(a) There is a Class A light wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license light wine produced at the winery.

(2) Light wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $50.

§23–801.

(a) There is a Class A beer and light wine license.

(b) (1) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and light wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or light wine is sold.

(c) The annual license fee is $175.

§23–802.

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

(b) (1) The Board may issue the license for use by a hotel or restaurant.

(2) The license authorizes the license holder to sell beer and light 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 $175.

§23–803.

(a) There is a Class C beer and wine 6–day license.

(b) (1) The Board may issue the license for use by a club that has held regular meetings at an established headquarters for 1 year before the application for the license is made.

(2) The license authorizes the license holder to sell beer and wine to a member of a club and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is $150.

(d) The holder of the license may purchase a Sunday permit for an additional annual fee of $75.

§23–804.

(a) There is a Class D beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $175.

§23–901.

(a) There are:

(1) a Class A–1 beer, wine, and liquor 7–day license; and

(2) a Class A–2 beer, wine, and liquor 6–day license.

(b) (1) A license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license under this section may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fees are:

(1) $900 for a Class A–1, 7–day license; and

(2) $700 for a Class A–2, 6–day license.

§23–902.

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

(b) The Board may issue the license to the owner of a hotel that:

(1) is in a building at least three stories tall that was originally constructed for hotel purposes;

(2) has a capital investment of at least $500,000; and

(3) contains:

(i) at least one passenger elevator;

(ii) at least 100 rooms to accommodate the public; and

(iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating.

(c) The license authorizes the license holder to sell at a hotel or restaurant at the place described in the license:

(1) beer, wine, and liquor at retail for on–premises consumption; and

(2) beer, wine, and liquor in sealed containers for off–premises consumption only to a person who has purchased prepared food from the licensed premises.

(d) (1) The license holder may not display or provide shelving for beer, wine, or liquor for off–premises sales in areas of the establishment that are accessible to the public.

(2) Off–sale alcoholic beverages receipts collected under the license shall be included in the calculation of average daily receipts from the sale of alcoholic beverages in a restaurant under § 1–101 of this article.

(3) The license holder may sell beer, wine, and liquor for off–premises consumption only when the licensed premises is open for business as a hotel or restaurant.

(e) The Board may limit the quantity of alcoholic beverages sold in a single transaction for off–premises consumption under the license.

(f) The Executive Director may issue one Class 8 farm brewery license and one Class 7 micro–brewery license to a license holder that holds not more than five Class B and six Class BLX beer, wine, and liquor licenses.

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

§23–903.

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

(b) The Board may issue the license to:

(1) a holder of:

(i) a Class B (on–sale) beer, wine, and liquor license; or

(ii) a Class BLX beer, wine, and liquor license; or

(2) an applicant that does not hold another alcoholic beverages license.

(c) (1) The Board may issue the license only for use in a restaurant:

(i) that has a minimum capital investment of $750,000 for restaurant facilities, not including the cost of land or buildings;

(ii) for which construction began on or after July 1, 1992; and

(iii) that has seating for at least 125 individuals.

(2) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 23–2004(c) of this title.

(e) The annual license fee is $2,000.

§23–904.

(a) There is a 7–day Class C beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail for on–premises consumption at the place described in the license.

(c) The Board shall determine the annual license fee.

§23–905.

(a) There is:

(1) a Class D beer, wine, and liquor (on–sale) 6–day license;

(2) a Class D beer, wine, and liquor (on–sale) 7–day license;

(3) a Class D beer, wine, and liquor (on– and off–sale) 6–day license; and

(4) a Class D beer, wine, and liquor (on– and off–sale) 7–day license.

(b) (1) An on–sale license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption.

(2) An on– and off–sale license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) (1) Before the initial issuance of a license under subsection (a)(4) of this section, the owner shall attest in a sworn statement that gross receipts from food sales will be at least equal to 20% of the gross receipts from the sale of food and alcoholic beverages.

(2) Before each renewal of a license issued under subsection (a)(4) of this section, the owner shall attest in a sworn statement that the gross receipts from food sales for the 12–month period immediately preceding the application for renewal were at least equal to 20% of the gross receipts from the sale of food and alcoholic beverages.

(e) The annual license fees are:

(1) $600 for a 6–day (on–sale) license;

(2) $1,000 for a 7–day (on–sale) license;

(3) $800 for a 6–day (on– and off–sale) license; and

(4) $1,000 for a 7–day (on– and off–sale) license.

§23–1001.

(a) There is a Class C (conference center) beer, wine, and liquor license.

(b) The Board may issue the license for use by a conference center or to its owner, whether or not operated for profit, that has:

(1) at least 7,000 square feet of conference area; and

(2) accommodations, equipment, and facilities designed for holding meetings, seminars, and conferences.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 23–2004 of this title.

(e) The annual license fee is $700.

§23–1002.

(a) There is a Class C (continuing care retirement community) beer, wine, and liquor license.

(b) The Board may issue the license for use by a continuing care retirement community that:

(1) has obtained a certificate of registration from the Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and

(2) operates only for the use of its residents and guests of the community.

(c) The license authorizes the license holder to sell beer, wine, and liquor to a resident or a guest of the community for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 23–2004 of this title.

(e) The annual license fee is $250.

§23–1003.

(a) There is a Class C (country club) license.

(b) The Board may issue the license for use by a country club or to its owner, whether or not operated for profit, that has:

(1) an annual limited membership; and

(2) when the license is issued, a regular or championship golf course of 18 holes adjacent to the establishment for which a license is sought and other club facilities.

(c) The license authorizes the license holder to sell beer, wine, and liquor at the place described in the license for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 23–2004 of this title.

(e) The annual license fee is $1,500.

§23–1004.

(a) There is:

(1) a Class GC (golf course) beer and light wine license; and

(2) a Class GC (golf course) beer, wine, and liquor license.

(b) The Board may issue the license to an organization that owns or manages a golf course with at least 18 holes.

(c) (1) The license authorizes the license holder to sell the alcoholic beverages specified on the license for on–premises consumption.

(2) The Board may place conditions on the location of sales and consumption, including:

(i) prohibiting the sale and consumption of liquor on specified areas of premises with a Class GC (golf course) beer, wine, and liquor license; and

(ii) allowing the sale and consumption of only beer and light wine on specified areas of the premises with a Class GC (golf course) beer, wine, and liquor license.

(3) If the Board determines that circumstances warrant, the Board may restrict the sale of alcoholic beverages to beer and light wine on premises for which a Class GC (golf course) beer, wine, and liquor license is issued.

(d) (1) Except as provided in paragraph (2) of this subsection:

(i) the holder of a Class GC (golf course) beer and light wine license may sell beer and light wine on Monday through Sunday, from 6:30 a.m. to 2 a.m. the following day; and

(ii) the holder of a Class GC (golf course) beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6:30 a.m. to 2 a.m. the following day.

(2) The Board may reduce the hours and days of sale for all or part of the licensed premises.

(e) The annual license fee is:

(1) $350 for a Class GC (golf course) beer and light wine license; and

(2) $1,500 for a Class GC (golf course) beer, wine, and liquor license.

§23–1004.1.

(a) In this section, "marketplace" means a premises that:

(1) accommodates the public; and

(2) is equipped with five or more outlets for preparing and serving regular meals that may be consumed by patrons in a common seating area or anywhere else on the premises.

(b) There is a marketplace license.

(c) The Board may issue a marketplace license only to individuals on behalf of the person, firm, or corporation that owns, manages, or leases the marketplace.

(d) (1) The license authorizes the license holder to sell beer, wine, and liquor through vendors or agents from one or more outlets within the marketplace by the drink or by the bottle for on–premises consumption.

(2) A license holder may obtain:

(i) a refillable container permit under § 23–1102 of this title to sell draft beer for off–premises consumption; and

(ii) a nonrefillable container permit under § 23–1104 of this title to sell draft beer for off–premises consumption.

(e) The marketplace shall have:

(1) a minimum capital investment, not including the cost of land and buildings, of $1,000,000 for marketplace facilities;

(2) a minimum seating capacity of 75 individuals;

(3) a minimum capacity of 200 individuals and a maximum capacity of 500 individuals, as determined by the county Department of Fire and Rescue Services; and

(4) average daily receipts from the sale of food that are at least 51% of the total daily receipts of the marketplace.

(f) An applicant for a marketplace license shall include with an application submitted to the Board a list of the names of each vendor or agent from the outlets within the marketplace that will be authorized to sell beer, wine, and liquor under the license.

(g) (1) Except as provided in paragraph (2) of this subsection, the hours of sale for the license are the same as the hours of sale for Class B beer, wine, and liquor licenses under § 23–2004(b) of this title.

(2) (i) The license holder may not exercise the privileges of the license on a day when a ticketed public event is held:

1. on a property adjacent to the licensed premises, if the adjacent property has a capacity of at least 4,000 individuals; or

2. on the same property as the licensed premises but under a different license, if the property has a capacity of at least 4,000 individuals.

(ii) Notwithstanding subparagraph (i) of this paragraph, a license holder may exercise the privileges of the license on a day when a ticketed public event is held if the license holder obtains the written permission of the promoter or producer of the event before the event takes place.

(h) (1) The annual license fee is $6,000.

(2) In addition to the annual license fee, the license holder shall pay annually:

(i) $500, if the license holder provides live entertainment; and

(ii) $200, if the license holder provides outdoor table service.

§23–1004.2.

(a) There is a Class MT (movie theater) beer, wine, and liquor license.

(b) The Board may issue the license to the owner of a movie theater that holds a crowd control training certification.

(c) The license holder may sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption by a patron who has purchased a ticket to a current or future showing of a movie on the licensed premises.

(d) The Board may set:

(1) the hours and days of sale for the license;

(2) the annual license fee; and

(3) any other limitations on and requirements for the license that the Board considers necessary.

(e) The Board shall adopt regulations to carry out this section.

§23–1005.

(a) There is a Class C (police officers' local affiliate) license.

(b) (1) The Board may issue the license for use by a local affiliate of an international organization of police officers that:

(i) has at least 100 dues paying members; and

(ii) charges each member at least $15 a month in dues.

(2) The local affiliate shall operate the clubhouse where the license is in effect only for its own members and their guests.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption to members of the local affiliate and guests accompanied by members.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 23–2004 of this title.

(e) The annual license fee is $500.

§23–1006.

(a) There is a racetrack license.

(b) The Board may issue the license to the owner of a regularly licensed racing establishment, whether an individual, an association of individuals, or a corporation.

(c) The license authorizes the license holder to sell beer, wine, and liquor at one or more locations on the premises of the license holder's racing park.

(d) The license fee is $1,000 for each calendar year, payable to the County Director of Finance.

§23–1006.1.

(a) In this section, "shopping mall" means a combination of commercial, professional, or retail establishments that:

(1) are open to the general public for business purposes;

(2) are under common ownership or control;

(3) share common parking facilities; and

(4) encompass at least 60 acres.

(b) There is a consumption only shopping mall plaza license.

(c) The Board may issue a consumption only shopping mall plaza license to the owner of a shopping mall if the shopping mall:

(1) includes at least one restaurant for which a Class B license has been issued; and

(2) contains a designated outdoor plaza for the consumption of alcoholic beverages.

(d) The license authorizes the license holder to allow the consumption of beer, wine, and liquor in a designated outdoor plaza located on the premises of the shopping mall if the beer, wine, or liquor is purchased at a restaurant:

(1) that is located within the shopping mall;

(2) for which a Class B license has been issued;

(3) that is contiguous to the designated outdoor plaza; and

(4) that uses containers branded with an identifying mark of the seller.

(e) As part of the license application, an owner of a shopping mall shall include:

(1) a description of the designated outdoor plaza and a list of the contiguous license holders whose beer, wine, and liquor may be consumed in the designated outdoor plaza; and

(2) a security plan that has been approved by the Howard County Police Department.

(f) The license holder may allow the consumption of beer, wine, and liquor in the designated outdoor plaza on Monday through Sunday, from 11 a.m. to 11 p.m.

(g) The annual license fee is $4,000.

(h) (1) In this subsection, "participating restaurant" means a restaurant described under subsection (d) of this section that participates in a coordinated promotion of a special event with the owner of a shopping mall in which the restaurant is located.

(2) (i) There is a shopping mall plaza special event permit.

(ii) The Board may issue the permit only to the holder of a consumption only shopping mall plaza license.

(3) The holder of a consumption only shopping mall plaza license shall apply to the Board for the permit before the holder or a participating restaurant may publicize, sell tickets for, organize, operate, produce, or stage the special event.

(4) The permit authorizes participating restaurants to operate additional bars or service counters for the sale and service of food and alcoholic beverages in the designated outdoor plaza described under the consumption only shopping mall plaza license during a special event.

(5) The permit fee is $500.

§23–1007.

(a) There is a Class C (veterans' club) license.

(b) (1) The Board may issue the license for use by a club that:

(i) is composed exclusively of members who served in the armed forces of the United States;

(ii) is affiliated with a national organization; and

(iii) has at least 75 members who have paid the dues required by its national organization in the year immediately preceding the year for which the license is sought.

(2) For the license to be issued:

(i) at least 75% of the members of the club shall have resided in the county for at least 2 years immediately preceding the date of application for the license; and

(ii) the club shall have maintained a post in the county for at least 3 years preceding the date of the application.

(c) The license authorizes the license holder to sell at retail at the place described in the license beer, wine, and liquor to members of the club and guests accompanied by members for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 23–2004 of this title.

(e) The annual license fee is $250.

§23–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 23–1102 of this subtitle;

(2) § 4–1105 ("Refillable container permit — Wine"), subject to § 23–1103 of this subtitle; and

(3) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 23–1104 of this subtitle.

§23–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of any class of license except a Class C license and a Class GC license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) There is no fee for the permit.

§23–1103.

(a) The Board may issue a refillable container permit for wine to a holder of any class of license except a Class C license and a Class GC license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) There is no fee for the permit.

§23–1104.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of any class of license except a Class C license and a Class GC license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) There is no fee for the permit.

§23–1201. Reserved.

§23–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(3) § 4–1204 ("Class C per diem beer, wine, and liquor license");

(4) § 4–1206 ("License to dispose of stock");

(5) § 4–1207 ("Temporary move of licensed premises");

(6) § 4–1208 ("Hours and days of sale"); and

(7) § 4–1209 ("Wine permit for fund–raising event").

(b) Section 4–1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 23–1312 of this subtitle.

§23–1302. Reserved.

§23–1303. Reserved.

§23–1304.

(a) There is a beer festival license.

(b) The Board may issue the license to a holder of a retail license, a Class 5 brewery license, a Class 7 micro–brewery license, or a Class 8 farm brewery license.

(c) The license authorizes the holder to display and sell beer.

(d) A license holder shall display and sell beer:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the beer festival.

(e) The Board shall:

(1) choose 1 weekend each year for the festival;

(2) choose a location that is not already licensed; and

(3) ensure that the primary focus of the festival is the promotion of Maryland beer.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is $50 for a 1–day or 2–day festival.

(h) The Board shall adopt regulations to carry out this section.

§23–1305.

(a) There is a wine festival (WF) license.

(b) The Board may issue the license to a holder of a retail license that authorizes the holder to sell wine, a Class 3 winery license, or a Class 4 limited winery license.

(c) The license authorizes the holder to display and sell wine that is produced and processed in the State.

(d) A license holder shall display and sell wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the wine festival.

(e) (1) Subject to paragraph (3) of this subsection, the Board shall choose 1 weekend each year for the wine festival.

(2) The Board shall choose a location that is not already licensed.

(3) The weekend chosen for the wine festival may not conflict with the dates chosen for the:

(i) Anne Arundel County Beer and Wine Festival;

(ii) Baltimore County Wine Festival;

(iii) Cumberland and Shenandoah Valley Wine Festival in Washington County; or

(iv) Maryland Wine Festival in Carroll County.

(f) The license fee is $15.

(g) The Board shall adopt regulations to carry out this section.

§23–1306.

(a) There is a wine sampling (WS) license.

(b) The Board may issue the license to a nonprofit organization.

(c) (1) The license authorizes the on–premises consumption of wine for sampling:

(i) on premises for which a Class B license has been issued with authorization of the holder of the license for the premises; or

(ii) at a location that is not already licensed.

(2) The license holder may carry wine onto the premises for wine sampling with the authorization of the owner or holder of the Class B license.

(d) The nonprofit organization shall apply for the license at least 15 days before the license is issued.

(e) The Board may issue not more than 12 licenses in a license year to a single nonprofit organization.

(f) The license holder may serve a quantity of not more than 2 ounces from each offering to an individual.

(g) The license fee is $15 per day.

§23–1307.

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

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

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

(1) beer; or

(2) wine containing not more than 15.5% of alcohol by volume.

(d) A license holder may serve:

(1) wine in a quantity of not more than 2 ounces from each offering and not more than 8 ounces from all offerings to an individual in a day; or

(2) beer in a quantity of not more than 6 ounces from each offering and not more than 16 ounces from all offerings to an individual in a day.

(e) In addition to the fee of any other alcoholic beverages license, the annual license fee is $100.

§23–1308.

(a) There is a beer, wine, and liquor tasting (BWLT) license.

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

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

(1) beer;

(2) wine containing not more than 15.5% of alcohol by volume; or

(3) liquor.

(d) A license holder may serve:

(1) wine in a quantity of not more than 2 ounces from each offering and not more than 8 ounces from all offerings to an individual in a day;

(2) beer in a quantity of not more than 6 ounces from each offering and not more than 16 ounces from all offerings to an individual in a day; or

(3) liquor in a quantity of not more than 1/2 ounce from each offering and not more than 2 ounces from all offerings to an individual in a day.

(e) In addition to any other alcoholic beverages license fee, the annual license fee is $100.

§23–1309.

(a) In this section, "educational event" means an event at which a speaker provides instruction on how to develop a foundation of alcoholic beverages knowledge, including:

(1) styles of beer, wine, and liquor;

(2) methods of tasting beer, wine, and liquor;

(3) pairing food and beer, wine, and liquor; and

(4) serving, storing, and buying beer, wine, and liquor.

(b) The Board may issue:

(1) an educational event beer and wine tasting (BWT) license; and

(2) an educational event beer, wine, and liquor tasting (BWLT) license.

(c) (1) An educational event BWT license may be issued to a holder of:

(i) a Class A beer and wine license; or

(ii) a Class A beer, wine, and liquor license.

(2) An educational event BWLT license may be issued to a holder of a Class A beer, wine, and liquor license.

(d) (1) An educational event BWT license authorizes the on–premises consumption, for tasting or sampling, of:

(i) beer; or

(ii) wine containing not more than 15.5% of alcohol by volume.

(2) An educational event BWLT license:

(i) has the privileges of a BWT license set out in paragraph (1) of this subsection; and

(ii) authorizes the on–premises consumption, for tasting or sampling, of liquor.

(3) (i) An educational event BWT license and educational event BWLT license authorize the license holder to provide alcoholic beverages from the license holder's inventory to a consumer who has preregistered for an educational event.

(ii) The alcoholic beverages may be provided at a prorated charge that covers the cost of the educational event, including alcoholic beverages, snacks, and a speaker.

(e) (1) A holder of an educational event BWT license may not serve:

(i) wine in a quantity of more than 1 ounce from any individual brand and more than 6 ounces in the aggregate to any one individual in a single day; or

(ii) beer in a quantity of more than 2 ounces from any individual brand and more than 6 ounces in the aggregate to any one individual in a single day.

(2) A holder of an educational event BWLT license:

(i) is subject to the prohibitions set out in paragraph (1) of this subsection; and

(ii) may not serve liquor in a quantity of more than 1/2 ounce from any individual brand and not more than 3 ounces in the aggregate to any one individual in a single day.

(f) In addition to the fee for any other license, the annual fees are:

(1) $100 for an educational event BWT license; and

(2) $100 for an educational event BWLT license.

§23–1310. Reserved.

§23–1311. Reserved.

§23–1312.

The fee for a Class C per diem beer license, a Class C per diem beer and light wine license, and a Class C beer, wine, and liquor license is $15 per day.

§23–1313.

(a) In this section, "entertainment venue" means a facility that is used as a cinema, theater, amphitheater, concert hall, or sports stadium.

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

(c) The Board may issue the Class C per diem license to the holder of a Class C beer, wine, and liquor license for use in an entertainment venue that measures at least 200,000 square feet.

(d) (1) The Class C per diem license authorizes the license holder to sell beer, wine, and liquor on an immediately adjacent licensed premises for consumption on the premises of the holder of the per diem license and on the adjacent licensed premises.

(2) License holders are responsible for:

(i) all sale and consumption under their control or on their premises; and

(ii) compliance with all applicable provisions of this article and local laws and regulations.

(e) The Board may not issue the per diem license unless the property owner of the adjacent licensed premises provides the Board with a statement authorizing the use of the licensed premises.

(f) The license holder may sell beer, wine, and liquor Monday through Sunday from 10 a.m. to 11 p.m.

(g) The Board shall determine the license fee.

§23–1314.

(a) In this section, "entertainment venue" means a facility that is used as a cinema, theater, amphitheater, concert hall, or sports stadium.

(b) There is a Class D per diem entertainment venue beer, wine, and liquor license.

(c) The Board may issue the Class D per diem license to the holder of a Class D beer, wine, and liquor license for use in an entertainment venue that measures at least 200,000 square feet.

(d) (1) The Class D per diem license authorizes the license holder to sell beer, wine, and liquor on an immediately adjacent licensed premises for consumption on the premises of the holder of the per diem license and on the adjacent licensed premises.

(2) License holders are responsible for:

(i) all sale and consumption under their control or on their premises; and

(ii) compliance with all applicable provisions of this article and local laws and regulations.

(e) The Board may not issue the per diem license unless the property owner of the adjacent licensed premises provides the Board with a statement authorizing the use of the licensed premises.

(f) The license holder may sell beer, wine, and liquor Monday through Sunday from 10 a.m. to 11 p.m.

(g) The Board shall determine the license fee.

§23–1401.

(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) § 4–106 ("Payment of notice expenses");

(3) § 4–108 ("Application form required by Comptroller");

(4) § 4–111 ("Payment of license fees");

(5) § 4–112 ("Disposition of license fees");

(6) § 4–113 ("Refund of license fees"); and

(7) § 4–114 ("Fees for licenses issued for less than 1 year").

(b) Section 4–110 ("Required information on application — Petition for support") of Division I of this article does not apply in the county.

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

(1) § 4–103 ("Application on behalf of partnership"), subject to § 23–1403.1 of this subtitle;

(2) § 4–104 ("Application on behalf of corporation or club"), subject to § 23–1404 of this subtitle;

(3) § 4–105 ("Application on behalf of limited liability company"), subject to § 23–1404 of this subtitle;

(4) § 4–107 ("Criminal history records check"), subject to §§ 23–1402, 23–1403, and 23–1408 of this subtitle; and

(5) § 4–109 ("Required information on application — In general"), subject to §§ 23–1403.1, 23–1404, and 23–1407 of this subtitle.

§23–1402.

(a) The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

(b) The Board may obtain criminal history record information on license applicants and their agents from county police.

§23–1403.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article or § 23–1805 of this title on completion of the application process.

§23–1403.1.

An individual who is a resident of the State meets the residency requirements under § 4–103 of this article.

§23–1404.

(a) Except as provided in subsections (c) and (d) of this section, at least one of the applicants for a new license for a corporation or limited liability company shall certify that as long as the applicant is the holder of the license, the applicant shall:

(1) own at least 10% of the stock in the corporation or interest in the limited liability company; or

(2) (i) serve as the manager or supervisor of the corporation or limited liability company; and

(ii) be physically present on a full–time basis at the licensed premises of the corporation or limited liability company to conduct the daily business involving transactions concerning alcoholic beverages sales.

(b) Except as provided in subsection (c) of this section, applicants for a license for a corporation or limited liability company shall submit:

(1) an executed copy of the articles of incorporation or articles of organization; and

(2) a schedule that states:

(i) the name, address, and percentage of stock held by each stockholder holding at least 5% of the stock of a corporation; or

(ii) the name, address, and percentage of interest held by each member holding at least 5% interest in a limited liability company.

(c) (1) (i) The stock or interest requirements established under subsection (a) of this section do not apply to a corporation or limited liability company in which:

1. the stock of the corporation or interest in the limited liability company is authorized for sale by the United States Securities and Exchange Commission; or

2. a majority of the stock of the corporation or interest in the limited liability company is owned or controlled directly or indirectly by one or more corporations or limited liability companies whose stock or interest is authorized for sale by the United States Securities and Exchange Commission.

(ii) A corporation or limited liability company provided for in subparagraph (i) of this paragraph shall maintain one applicant as a manager or supervisor physically present on a full–time basis at the licensed premises to conduct the daily business involving transactions concerning alcoholic beverages sales.

(2) The schedule requirement established under subsection (b) of this section does not apply to:

(i) a corporation whose stock is authorized for sale by the United States Securities and Exchange Commission; or

(ii) a limited liability company whose interest is authorized for sale by the United States Securities and Exchange Commission.

(d) (1) The requirements under subsection (a) of this section do not apply to an application for or renewal of a Class C (continuing care retirement community) beer, wine, and liquor license by a nonprofit organization if the manager or supervisor of the continuing care retirement community:

(i) is identified on the application;

(ii) receives alcohol awareness training from an approved alcohol awareness training program; and

(iii) is physically present at the continuing care retirement community on a full–time basis.

(2) A continuing care retirement community license shall be issued to:

(i) a manager or supervisor; and

(ii) two officers, one of whom shall be a resident of the State at the time the application is filed.

(e) An individual who is a resident of the State meets the residency requirements under §§ 4–104 and 4–105 of this article.

§23–1405.

(a) An applicant for a license in the county shall include on the application:

(1) a statement whether the applicant is a natural–born citizen or a naturalized citizen; or

(2) if the applicant is not a natural–born citizen or a naturalized citizen, information or documentation required by the Board to show proof of immigration status.

(b) The Board may obtain information from the Social Security Administration and the Department of Homeland Security – Immigration and Customs to verify the citizenship or immigration status of the applicant.

§23–1407.

(a) At least one of the applicants for a license shall be a resident of the State.

(b) In the determination of the Board, each applicant shall:

(1) be of good character; and

(2) include the following information with the application:

(i) a statement that the applicant is at least 18 years old; and

(ii) a checklist and police consent form.

(c) The Board may waive the residency requirement for an applicant if the applicant:

(1) is the purchaser of a business already in operation; or

(2) has owned the premises for which a license is sought for at least 2 years immediately preceding the filing of the application.

§23–1408.

The Board shall make criminal history record information in its possession available only to members, clerks, administrators, and inspectors of the Board and to members, clerks, administrators, and inspectors of the County Alcoholic Beverage Hearing Board.

§23–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–209 ("Hearing");

(5) § 4–211 ("License forms; effective date; expiration"); and

(6) § 4–213 ("Replacement licenses").

(b) (1) Section 4–208 ("Notice of license application required") of Division I of this article does not apply in the county and is superseded by § 23–1505 of this subtitle.

(2) Section 4–214 ("Waiting periods after denial of license applications") of Division I of this article does not apply in the county and is superseded by § 23–1507 of this subtitle.

(c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to § 23–1502 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 23–1504 of this subtitle;

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to Subtitle 13, Part III and Subtitle 16, Part II of this title;

(4) § 4–210 ("Approval or denial of license application"), subject to § 23–1509 of this subtitle; and

(5) § 4–212 ("License not property"), in addition to § 23–1506 of this subtitle.

§23–1502.

The Board may not issue a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license to a person that holds an out–of–state alcoholic beverages license.

§23–1503.

In determining whether to approve an application for any new Class A license, the Hearing Board shall include in its written decision findings as to:

(1) each of the factors set forth under § 4–210(a) of this article; and

(2) the consideration of the avoidance of the overconcentration of licenses in neighborhoods, particularly neighborhoods of poverty, as required under § 23–1509 of this subtitle.

§23–1504.

Unless otherwise expressly authorized by this article, a person may not have an interest in more than one license issued by the Board, regardless of whether that interest is held or controlled by direct or indirect ownership, stock ownership, interlocking directors or interlocking stock ownership, or any other direct or indirect manner.

§23–1505.

(a) The applicant shall post a hearing notice for at least 15 days before the hearing on an application for:

(1) a new license;

(2) a change in the class of a license;

(3) an extension of the licensed premises;

(4) except as provided in subsection (e) of this section, a change of resident agent;

(5) a transfer of a license; or

(6) a transfer of location.

(b) (1) The applicant shall:

(i) post the hearing notice required in subsection (a) of this section at the location described in the application;

(ii) take a photograph of the hearing notice posted in accordance with subparagraph (i) of this paragraph; and

(iii) send the photograph of the hearing notice to the Board before the hearing on the application.

(2) The hearing notice required in subsection (a) of this section shall include:

(i) the name of the applicant;

(ii) the type of license for which the application is made;

(iii) the location described in the application; and

(iv) the date, time, and place set by the Board for a hearing on the application.

(c) (1) The Board shall post a hearing notice on the Board's website for at least 15 days before the hearing on an application.

(2) The hearing notice required in paragraph (1) of this subsection shall include:

(i) the name of the applicant;

(ii) the type of license for which the application is made;

(iii) the location described in the application; and

(iv) the date, time, and place set by the Board for a hearing on the application.

(d) (1) The Board shall provide the hearing notice required in subsection (c) of this section to the Howard County Office of Public Information at least 15 days before the hearing on an application.

(2) The Howard County Office of Public Information shall post the hearing notice in the same manner as other public meeting notices.

(e) (1) A hearing on an application for a change of resident agent is not required if the applicant:

(i) is seeking to be a resident agent for the same license for which the applicant is a license holder; and

(ii) has previously appeared and been approved at a nonviolation hearing for the same license before the Board of License Commissioners or the Appointed Alcoholic Beverage Hearing Board.

(2) The Board may hold a hearing under paragraph (1) of this subsection if the Board determines there is good cause for the hearing.

§23–1506.

A license is not:

(1) subject to a writ of execution by a judgment creditor of a license holder; or

(2) subject to a distraint for rent.

§23–1507.

(a) If a license application is denied, another license application from the same applicant or for the same location may not be considered for 1 year after the denial.

(b) If a subsequent license application by the same applicant or for the same location is denied within a 2–year period after the first denial, another application may not be considered from that applicant or for that location until the 2–year period expires.

§23–1508.

(a) The Board may give tentative approval to issuing a license for an establishment that is not completed, based on the plans and specifications that accompany the application.

(b) The Board may give final approval of a license application under this section on completion of the establishment in accordance with the plans and specifications.

§23–1509.

Before the Board or the Hearing Board issues a license, the Board or the Hearing Board shall give particular consideration to the avoidance of the overconcentration of licenses in neighborhoods, particularly neighborhoods of poverty.

§23–1601.

(a) This section does not apply to a Class A license issued for use in an existing shopping center or in a proposed shopping center development for which a building permit has been issued that contains 200,000 or more square feet of commercial retail space.

(b) (1) The Board may issue up to six Class A licenses in each election district in the county.

(2) Notwithstanding paragraph (1) of this subsection, the Board may issue more than six Class A licenses in an election district, provided that the total number of Class A licenses in any election district does not exceed one Class A license of any type for every 4,000 residents of the election district, as determined by the latest federal census.

§23–1602.

(a) (1) Subject to subsection (b) of this section, the Board may not issue:

(i) a Class B license for a restaurant that is within 400 feet of the nearest point of a public school building; or

(ii) any other license for an establishment that is within 500 feet of the nearest point of a public school building.

(2) A decision of the County Board of Education to locate a public school building within 500 feet of the premises of a license holder may not be the basis to revoke or deny the renewal or transfer of the license.

(b) For a license issued on or before June 30, 1971, the Board may renew the license or approve the transfer of the license to a new license holder for the same establishment and type of license.

§23–1603.

The Board may not issue any license with an off–sale privilege for use in a business that is intended to be operated as a drive–through sales facility at which alcoholic beverages are:

(1) sold at retail; and

(2) dispensed through a window or door to a purchaser in or on a motor vehicle for off–premises consumption.

§23–1606.

(a) (1) Subject to subsections (b) and (c) of this section, the Board may issue to an individual or for the use of a person one of the following groups of licenses but not both:

(i) one Class D (on– and off–sale) beer, wine, and liquor license, five Class B (on–sale) beer, wine, and liquor licenses, and six Class BLX (luxury restaurant)(on–sale) beer, wine, and liquor licenses; or

(ii) one Class D (on– and off–sale) beer, wine, and liquor license and eight Class BLX (luxury restaurant)(on–sale) beer, wine, and liquor licenses.

(2) The licenses specified in paragraph (1) of this subsection are for separate premises.

(b) A person may not have a direct or indirect interest in any combination of more than one Class D and nine Class B and Class BLX licenses.

(c) For purposes of this section, an indirect interest is presumed to exist between two persons if both:

(1) have a common parent company;

(2) are linked by a franchise agreement, licensing agreement, or a concession agreement;

(3) are part of a chain of businesses commonly owned and operated;

(4) share:

(i) directors, stockholders, partners, or members; or

(ii) directors, stockholders, partners, or members of parents or subsidiaries;

(5) share, directly or indirectly, profit from the sale of alcoholic beverages; or

(6) share a common trade name, trademark, logo, or theme, or mode of operation identifiable by the public.

§23–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house");

(2) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(3) § 4–305 ("Filing fees and endorsement").

(b) Section 4–306 ("Substitution of names of officers on license") of Division I of this article does not apply in the county and is superseded by § 23–1705 of this subtitle.

(c) Section 4–302 ("Transfer of place of business; transfer of license and inventory") of Division I of this article applies in the county, subject to § 23–1702 of this subtitle.

§23–1702.

The Board may not allow the transfer of a license unless all State and local personal property taxes owed by the transferor are paid.

§23–1703.

(a) Except as provided in subsection (c) of this section, at least one of the applicants for the transfer of a license for a corporation or limited liability company shall certify that as long as the applicant is the holder of the license, the applicant shall:

(1) own at least 10% of the stock in the corporation or interest in the limited liability company; or

(2) (i) serve as the manager or supervisor of the corporation or limited liability company; and

(ii) be physically present on a full–time basis at the licensed premises of the corporation or limited liability company to conduct the daily business involving transactions concerning alcoholic beverages sales.

(b) Except as provided in subsection (c) of this section, applicants for a license for a corporation or limited liability company shall submit:

(1) an executed copy of the articles of incorporation or articles of organization; and

(2) a schedule that states:

(i) the name, address, and percentage of stock held by each stockholder holding at least 5% of the stock of a corporation; or

(ii) the name, address, and percentage of interest held by each member holding at least 5% interest in a limited liability company.

(c) (1) (i) The stock or interest requirements established under subsection (a) of this section do not apply to a corporation or limited liability company in which:

1. the stock of the corporation or interest in the limited liability company is authorized for sale by the United States Securities and Exchange Commission; or

2. a majority of the stock of the corporation or interest in the limited liability company is owned or controlled directly or indirectly by one or more corporations or limited liability companies whose stock or interest is authorized for sale by the United States Securities and Exchange Commission.

(ii) A corporation or limited liability company provided for in subparagraph (i) of this paragraph shall maintain one applicant as a manager or supervisor physically present on a full–time basis at the licensed premises to conduct the daily business involving transactions concerning alcoholic beverages sales.

(2) The schedule requirement established under subsection (b) of this section does not apply to:

(i) a corporation whose stock is authorized for sale by the United States Securities and Exchange Commission; or

(ii) a limited liability company whose interest is authorized for sale by the United States Securities and Exchange Commission.

§23–1704.

(a) On receipt of an application for a transfer of a license, the Board shall:

(1) schedule a public hearing; and

(2) post a notice of the hearing on the premises described in the application.

(b) The notice required under subsection (a) of this section shall:

(1) be posted by the inspector with the cooperation of the applicant; and

(2) remain posted for at least 15 days before the hearing.

§23–1705.

(a) (1) Subject to paragraph (2) of this subsection, for a license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

(i) has died;

(ii) has retired; or

(iii) no longer holds an office in the corporation or club.

(2) A substitute officer shall be an individual approved by the Board who meets all the requirements applicable to the original officer.

(b) The license holder shall file an affidavit with the Board that contains:

(1) the substitution of the officer; and

(2) an explanation for the substitution.

(c) On receipt of the affidavit and payment of a $5 fee, the Board shall:

(1) amend its records; and

(2) issue a corrected license.

§23–1706.

The Board may not transfer an off–sale license for use in a business that is intended to be operated as a drive–through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off–premises consumption.

§23–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–405 ("Contents of renewal application");

(4) § 4–406 ("Protests");

(5) § 4–407 ("Denial of renewal application");

(6) § 4–408 ("Issuance of renewed licenses");

(7) § 4–409 ("Multiple licenses"); and

(8) § 4–410 ("Chain store, supermarket, or discount house").

(b) Section 4–404 ("Filing period for renewal application") of Division I of this article applies in the county, subject to § 23–1802 of this subtitle.

§23–1802.

If a license holder fails to file a license renewal application by April 1 of each year, the Board shall:

(1) consider the license to be expired as of its termination date; or

(2) impose a penalty on the license holder of $50 for each day the application is late.

§23–1803.

Notwithstanding § 23–1502 of this title, the Board may renew a Class A or Class D beer license, beer and light wine license, or beer, wine, and liquor license originally issued to a holder of an out–of–state alcoholic beverages license.

§23–1804.

Notwithstanding § 23–1504 of this title, a person who has an interest in more than one license may renew the licenses.

§23–1805.

The requirement for a criminal history records check under § 4–107 of this article applies to applicants for license renewal.

§23–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age"); and

(4) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 23–1902 of this subtitle;

(2) § 4–505 ("Alcohol awareness program"), subject to § 23–1903 of this subtitle; and

(3) § 4–507 ("Retail delivery of alcoholic beverages"), subject to § 23–1904 of this subtitle.

§23–1902.

(a) A holder of a Class A, Class B, or Class C license may employ an individual who is at least 18 years old to sell or serve alcoholic beverages.

(b) A holder of a Class D license may employ an individual who is at least 18 years old to sell or serve beer and wine.

§23–1903.

(a) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(i) be certified by an approved alcohol awareness program; and

(ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or a suspension or revocation of the license or both.

§23–1904.

(a) (1) The holder of a Class A or Class D license or an employee of the license holder may deliver alcoholic beverages only within the county.

(2) An employee making a delivery shall meet the age requirements of § 23–1902 of this subtitle.

(b) The deliverer and individual receiving the delivery shall, at the time of delivery, endorse a delivery form that the Board approves, certifying that:

(1) the individual receiving the delivery claimed to be at least 21 years old and the claim was supported by documentary evidence;

(2) the individual receiving the delivery knew that it is a criminal offense for alcoholic beverages to be given to an individual under the age of 21 years; and

(3) the deliverer examined the recipient's identification.

(c) A license holder or an employee of a license holder may not make a retail delivery of alcoholic beverages unless the purchaser:

(1) or another individual at least 21 years old designated by the purchaser, is physically present to receive the alcoholic beverages at the time and place of delivery; and

(2) pays for the purchase at the time of the order.

§23–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§23–2002.

(a) Except as otherwise provided by the Board:

(1) a holder of a 6–day Class A beer license may sell beer on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) a holder of a 7–day Class A beer license may sell beer on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class B beer license may sell beer on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

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

(c) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class C beer license may sell beer on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

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

(d) Except as otherwise provided by the Board:

(1) a holder of a 6–day Class D beer license may sell beer on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) a holder of a 7–day Class D beer license may sell beer on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

§23–2003.

(a) Except as otherwise restricted by the Board:

(1) a holder of a 6–day Class A beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) a holder of a 7–day Class A beer and light wine license may sell beer and light wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class B beer and light wine license may sell beer and light wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

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

(c) A holder of a Class B beer and light wine (B–SBW) (off–sale) license may sell beer and light wine on Monday through Sunday, from 10 a.m. to midnight.

(d) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class C beer and light wine license may sell beer and light wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

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

(e) Except as otherwise provided by the Board:

(1) a holder of a 6–day Class D beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) a holder of a 7–day Class D beer and light wine license may sell beer and light wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

§23–2004.

(a) Except as otherwise provided by the Board:

(1) a holder of a 6–day Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) a holder of a 7–day Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

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

(c) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class BLX (luxury restaurant) (on–sale) beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

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

(d) (1) Except as otherwise provided by the Board and subject to paragraph (2) of this subsection, a holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

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

(e) Except as otherwise provided by the Board:

(1) a holder of a 6–day Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) a holder of a 7–day Class D beer, wine, and liquor license may sell beer, wine, and liquor Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

§23–2005.

(a) A license holder, other than a holder of a Class A license, may sell alcoholic beverages authorized by the license at all times on January 1.

(b) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on December 24 and December 31, from 6 a.m. to midnight regardless of the day of the week on which December 24 and December 31 fall.

§23–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–603 ("Revocation and suspension procedures"); and

(3) § 4–606 ("Effects of revocation").

(b) Section 4–605 ("Nudity and sexual displays") of Division I of this article does not apply in the county.

(c) Section 4–604 ("Grounds for revocation or suspension") of Division I of this article applies in the county, subject to § 23–2102 of this subtitle.

§23–2102.

In addition to the grounds for revocation or suspension in § 4–604 of this article, the Board may revoke or suspend a license if the Board finds that a license holder or an agent or employee of a license holder has violated this article or a rule or regulation of the Board.

§23–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§23–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

§23–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§23–2402.

(a) Before docketing an action for judicial review under Title 4, Subtitle 9 of this article, the clerk of the circuit court for the county shall:

(1) collect all court costs from the petitioner; and

(2) receive a statement from the clerk of the Board that the costs for getting records and transcripts of proceedings of the hearing before the Board have been paid.

(b) The costs described in subsection (a)(1) of this section may not be assessed against the Board.

§23–2403.

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

§23–2501.

(a) In this subtitle, "place of adult entertainment" means an establishment that:

(1) is not licensed by the Board but to which a customer brings alcoholic beverages that the customer has purchased elsewhere; and

(2) allows at its location a form of sexual display or attire prohibited under § 4–605 of this article.

(b) An individual who serves food, alcoholic beverages, or setups, including drinking containers and ice, in a place of adult entertainment or who supervises or manages a place of adult entertainment shall:

(1) receive alcohol awareness training as provided in § 4–508 of this article; and

(2) refuse to facilitate the continued consumption of alcoholic beverages by a customer who appears to be inebriated.

(c) The hours and days during which a place of public entertainment may be open are Monday through Saturday, from 11:30 a.m. to 1:30 a.m. the following day.

(d) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $5,000 for each violation.

(2) Each day of operation in violation of this section is a separate violation.

§23–2502.

(a) A person may not bring into a place of adult entertainment and consume or transfer alcoholic beverages, if the entertainment in the place is adult entertainment described in § 4–605 of this article.

(b) A person who operates a place of adult entertainment may not allow a female entertainer to exhibit her breasts below the top of the areola or exhibit the cleft of her buttocks.

(c) (1) A person who operates a place of adult entertainment who knowingly allows a violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $5,000 for each violation.

(2) Each day of operation in violation of this section is a separate violation.

§23–2503.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§23–2601.

Title 6, Subtitle 2 ("Enforcement") of Division I of this article applies in the county without exception or variation.

§23–2602.

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court shall proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

§23–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(4) § 6–310 ("Providing free food");

(5) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(6) § 6–312 ("Beverage misrepresentation");

(7) § 6–313 ("Tampering with alcoholic beverage container");

(8) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(9) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(10) § 6–316 ("Maximum alcohol content");

(11) § 6–317 ("Multiple serving purchase required");

(12) § 6–320 ("Disorderly intoxication");

(13) § 6–321 ("Consumption of alcoholic beverages in public");

(14) § 6–322 ("Possession of open container");

(15) § 6–323 ("Possession or use of Alcohol Without Liquid machine");

(16) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");

(17) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");

(18) § 6–328 ("Tax evasion");

(19) § 6–329 ("Destruction of evidence"); and

(20) § 6–330 ("Perjury").

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 23–2702 of this subtitle;

(2) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 23–2703 of this subtitle; and

(3) §§ 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder") and 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder"), subject to § 23–2704 of this subtitle.

§23–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§23–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§23–2704.

(a) (1) The prohibitions in §§ 6–308 and 6–319 of this article concerning the on–premises consumption of alcoholic beverages not purchased from a license holder do not apply to a social event, including a dance, wedding, or fundraiser, that is held in a hall rented from and located on the premises of a veterans organization that holds a license.

(2) The veterans organization may not sell or provide alcoholic beverages to the individuals attending the social event.

(b) Residents and guests of residents in a continuing care retirement community that holds a Class C (continuing care retirement community) beer, wine, and liquor license may consume beer, wine, or liquor not purchased from the continuing care retirement community if:

(1) the beer, wine, or liquor is consumed with a meal in the dining room; and

(2) the continuing care retirement community:

(i) is operated by a nonprofit organization for the continuing care retirement of individuals at least 60 years old;

(ii) has been incorporated for at least 1 year;

(iii) has obtained a certificate of registration from the Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and

(iv) prepares and serves meals during regular operating hours to residents and their guests.

§23–2705.

(a) A holder of an on–sale license may not allow an individual under the age of 18 years to play a game of chance or skill, including pool, billiards, shuffleboard, or a pinball or console machine, in the licensed establishment unless the individual is accompanied by a parent or guardian.

(b) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

§23–2706.

(a) A person engaged in the manufacture or sale of alcoholic beverages, an applicant for a license, and a license holder may not, directly or indirectly, offer or make a payment or gift of more than nominal value to:

(1) a member of the Board or Hearing Board;

(2) an employee of the member of the Board or Hearing Board; or

(3) an agent acting on behalf of a member of the Board or Hearing Board or employee assigned to the Board or Hearing Board.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

§23–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§23–2802.

(a) The Board may impose a fine not exceeding $2,000 for each offense or suspend a license or both for a violation that is cause for suspension of a license.

(b) Fines collected under this section shall be paid into the general fund of the county.

§24–101.

(a) In this title:

(1) (i) the definitions in § 1–101(b) through (y) and (aa) through (hh) of this article apply without exception or variation; and

(ii) the definition of "restaurant" in § 1–101(z) of this article applies, subject to § 24–104 of this subtitle; and

(2) the following words have the meanings indicated.

(b) "Board" means the Board of License Commissioners for Kent County.

(c) "County" means Kent County.

§24–102.

This title applies only in Kent County.

§24–103.

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§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.

§24–201.

There is a Board of License Commissioners for Kent County.

§24–202. IN EFFECT

(a) The County Commissioners sit as the Board.

(b) Each member of the Board shall receive, in addition to a County Commissioner's salary, $300 annually for services in acting as a member of the Board.

§24–202. NOT IN EFFECT

** CONTINGENCY – NOT IN EFFECT – CHAPTER 236 OF 1991 **

(a) The County Commissioners shall appoint three members to the Board.

(b) Each member of the Board shall be:

(1) a registered voter of the County during the member's term of office; and

(2) an individual of good moral character and integrity who reasonably reflects the citizenry of the County.

(c) (1) In this subsection, "direct or indirect interest" means an interest that is proprietary or obtained by a loan, mortgage, or lien or in any other manner.

(2) A member of the Board may not:

(i) have a direct or indirect interest in or on a premises where alcoholic beverages are manufactured or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture or sale of alcoholic beverages;

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises where alcoholic beverages are manufactured or sold; or

2. a business wholly or partly devoted to the manufacture or sale of alcoholic beverages;

(iv) hold any other public office or employment; or

(v) solicit or receive, directly or indirectly, a commission, remuneration, or gift from:

1. a person engaged in the manufacture or sale of alcoholic beverages; or

2. a license holder.

(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

(d) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on October 1, 2016.

(e) A member who is appointed after a term has begun serves for the remainder of the term and until a successor is appointed and qualifies.

(f) (1) The County Commissioners may remove a member for:

(i) incompetence;

(ii) misconduct;

(iii) unprofessional conduct;

(iv) dishonorable conduct; or

(v) neglect of a duty required by law.

(2) The removal procedure is as provided in this article.

(g) From among its members, the Board shall elect a chair.

(h) A majority of the members then serving on the Board is a quorum.

(i) The chair and each other member of the Board shall receive $300 annually.

§24–203. IN EFFECT

The Board may:

(1) employ:

(i) a secretary;

(ii) inspectors, subject to § 24–204 of this subtitle; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

§24–203. NOT IN EFFECT

** CONTINGENCY – NOT IN EFFECT – CHAPTER 236 OF 1991 **

(a) The Board may employ:

(1) a secretary;

(2) inspectors; and

(3) with the approval of the County Commissioners, clerical and other assistants as are necessary to carry out the duties of the Board.

(b) (1) The Board shall set the compensation of the secretary and inspectors.

(2) The County Commissioners shall set the salary of the clerical and other assistants, as provided in the County budget.

(c) The restrictions and penalty under § 24–202(c) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities apply to all employees of the Board.

§24–204.

(a) The Board:

(1) shall employ one full–time inspector; and

(2) may employ one additional part–time or full–time inspector.

(b) An individual may not qualify or continue service as an inspector if the inspector or any member of the inspector's immediate family has a personal or financial interest, directly or indirectly, in a license, license holder, or premises licensed under this article.

(c) An inspector shall:

(1) investigate all applicants for a license or transfer of license;

(2) inspect at unannounced times every licensed premises in the county at least once every 90 days;

(3) enforce all alcoholic beverages laws with the same power as a law enforcement officer of the State;

(4) investigate all violations of the alcoholic beverages laws and report them to the Board; and

(5) submit monthly reports in writing to the Board of the inspector's activities, setting forth complaints and listing violations that the inspector observed or were reported to the inspector.

(d) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

(e) (1) Each inspector is entitled to compensation and reimbursement for travel expenses.

(2) The Board shall set the rate for reimbursement of travel expenses.

(3) The Board of County Commissioners shall:

(i) set the compensation; and

(ii) pay for the compensation and travel expenses.

(f) (1) An inspector may be removed only for cause involving dishonesty, incompetence, or immoral conduct while in the performance of duty.

(2) Before an inspector may be removed, the Board, in accordance with the Administrative Procedure Act, shall give the inspector:

(i) written notice of all pending charges; and

(ii) an opportunity to reply in a public hearing before the Board in person or by counsel.

§24–205.

Sections 24–201 through 24–203 of this subtitle apply in the county until the Board of County Commissioners passes the resolution for which provision is made by Chapter 236 of the Acts of the General Assembly of 1991.

§24–206.

The Board may adopt regulations to carry out this article.

§24–301.

There is no liquor control board or department of liquor control in the county.

§24–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–210 ("Class 8 farm brewery license");

(9) § 2–211 ("Residency requirement");

(10) § 2–212 ("Additional licenses");

(11) § 2–213 ("Additional fees");

(12) § 2–214 ("Sale or delivery restricted");

(13) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(14) § 2–216 ("Interaction between manufacturing entities and retailers");

(15) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

(1) § 2–208 ("Class 6 pub–brewery license"), subject to § 24–403 of this subtitle; and

(2) § 2–209 ("Class 7 micro–brewery license"), subject to § 24–404 of this subtitle.

§24–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§24–403.

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Section 2–208(d) of this article does not apply in the county.

§24–404.

(a) The license may be issued to a holder of a Class D license as well as a holder of a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant.

(b) The hours and days of sale under a Class 7 micro–brewery license are the same as those for a Class D license.

§24–501.

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

§24–502.

Except as provided in § 24–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§24–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§24–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is $150.

§24–602.

(a) There is a Class B beer license.

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

(c) The annual license fee is $300.

§24–603.

A Class C beer license may not be issued in the county.

§24–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is $300.

§24–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $150.

§24–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§24–802.

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

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fee is $350.

§24–803.

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

(b) (1) The Board may issue the license for use in a restaurant approved by the Board that is equipped with:

(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.

§24–804.

A Class C beer and wine license may not be issued in the county.

§24–805.

A Class D beer and wine license may not be issued in the county.

§24–901.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall sell the beer, wine, or liquor in a sealed container that may not be opened or its contents consumed on the licensed premises.

(c) A license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is $1,750.

§24–902.

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

(b) The Board may issue the license for use in a restaurant approved by the Board that is equipped with:

(1) an indoor, outdoor, or combination indoor and outdoor dining area; and

(2) facilities for preparing and serving meals to the public.

(c) The annual license fee is $2,000.

§24–903.

(a) There is a Class C (organization or club) beer, wine, and liquor license.

(b) The Board may issue the license for use by a nonprofit organization or club that:

(1) operates only for the use of its members and their guests when accompanied by members;

(2) meets in a clubhouse that is used exclusively for its members and guests; and

(3) (i) except as provided in item (ii) of this item, has at least 100 members paying dues as required in the year immediately before the year for which the license is issued; or

(ii) if the club is composed exclusively of members who served in the armed forces of the United States and is affiliated with a national organization, has at least 50 members paying the dues that were required by the national organization in the full year immediately before the year for which the license is issued.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at a club at the place described in the license, for on– or off–premises consumption.

(d) The annual license fee is $500.

§24–904.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $1,500.

§24–1001.

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

(b) The Board may issue the Class B (bed and breakfast) license for the use of a bed and breakfast that:

(1) is licensed by the county to operate as a bed and breakfast; and

(2) excluding the resident management quarters, has not more than three rooms that the public for consideration may use for sleeping accommodations for a specified time.

(c) The license authorizes the license holder to sell beer, wine, and liquor to a guest for on–premises consumption if:

(1) the name and address of the guest appears on the registry that the bed and breakfast maintains; and

(2) the guest is an occupant of a sleeping room in the bed and breakfast.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 24–2004 of this title.

(e) The license does not authorize the sale of beer, wine, and liquor to an individual who is registered as a guest at the bed and breakfast only to obtain beer, wine, and liquor.

(f) If the bed and breakfast ends operations as a bed and breakfast, the license is void.

(g) The annual license fee is $350.

§24–1002.

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

(b) The Board may issue the Class B (country inn) beer, wine, and liquor license for the use of a country inn that:

(1) is licensed by the county to operate as a country inn;

(2) excluding the resident management quarters, has not more than 15 rooms that the public for consideration may use for sleeping accommodations for a specified time; and

(3) has a kitchen facility for the guests that is separate from the kitchen facility for the resident management quarters.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption to a guest if:

(1) the name and address of the guest appear on the registry that the country inn maintains; and

(2) the guest is an occupant of a sleeping room in the country inn.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 24–2004 of this title.

(e) The license does not authorize the sale of beer, wine, and liquor to an individual who is registered as a guest at the country inn only to obtain beer, wine, and liquor.

(f) If the country inn ceases to be operated as a country inn, the license is void.

(g) The annual license fee is $550.

§24–1003.

(a) There is a Class B wine shop and lounge license.

(b) The license authorizes the holder to:

(1) sell wine for on–premises and off–premises consumption; and

(2) sell or serve:

(i) bread and other baked goods;

(ii) chili;

(iii) chocolate;

(iv) crackers;

(v) cured meat;

(vi) fruits (whole and cut);

(vii) salads and vegetables (whole and cut);

(viii) hard and soft cheese (whole and cut);

(ix) ice cream;

(x) jam;

(xi) vinegar;

(xii) pizza;

(xiii) prepackaged sandwiches and other prepackaged foods ready to be eaten;

(xiv) soup; and

(xv) condiments.

(c) The license holder may sell wine from 6 a.m. to 2 a.m. the following day.

(d) The license holder is not subject to any requirement regarding the percentage of average daily receipts derived from the sale of food.

(e) An individual under the legal drinking age may enter the licensed premises.

(f) The annual license fee is $300.

§24–1004.

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

(b) The Board may issue the license to an applicant for the use of a theater that:

(1) is housed in a building;

(2) has a capacity to hold at least 100 permanently installed seats; and

(3) regularly presents live or cinematic entertainment.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail for on–premises consumption.

(d) Except from 2 a.m. to 6 a.m., the license holder may sell beer, wine, and liquor when the theater is open to the public.

(e) The license may not be transferred to another location.

(f) The annual license fee is $500.

§24–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) Section 4–1104 ("Refillable container permit — Draft beer") of Division I of this article applies in the county, subject to § 24–1102 of this subtitle.

§24–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) The Board may charge annual permit fees of up to:

(1) $50 for an applicant who holds an underlying license with an off–sale privilege; or

(2) $500 for an applicant who holds an underlying license without an off–sale privilege.

§24–1103.

(a) The Board may issue a wine license privilege.

(b) To qualify for the privilege, an applicant shall be a holder of a Class B (on–sale) beer and wine license or Class B beer, wine, and liquor license for use on a premises that qualifies as a restaurant under § 24–902 of this title.

(c) (1) The privilege authorizes the holder to sell wine by the bottle for off–premises consumption without the cost of the wine counting as a part of the average daily receipts of the business required to meet the minimum 60% food sales requirement under § 24–902 of this title.

(2) The privilege is not a separate class of license but is part of the existing Class B (on–sale) beer and wine license or Class B beer, wine, and liquor license of the holder of the privilege.

(d) The annual fee is $100.

§24–1201.

(a) There is a local caterer's license.

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

(1) a Class B restaurant or hotel (on–sale) beer and wine license; or

(2) a Class B restaurant or hotel (on–sale) beer, wine, and liquor license.

(c) The license authorizes a holder to:

(1) (i) provide beer and wine at an event that is held off the premises for which the holder's Class B restaurant or hotel (on–sale) beer and wine license is issued; or

(ii) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B restaurant or hotel (on–sale) beer, wine, and liquor license is issued; and

(2) exercise the privileges of the license only during the hours and on the days authorized for the holder's Class B license.

(d) The license holder shall provide food for consumption at the catered event.

(e) The annual license fee is $100.

(f) This section does not require a holder of a Class B restaurant or hotel (on–sale) beer and wine license or beer, wine, and liquor license to obtain a local caterer's license for catering on the premises for which the Class B license is issued.

§24–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1206 ("License to dispose of stock");

(3) § 4–1207 ("Temporary move of licensed premises");

(4) § 4–1208 ("Hours and days of sale"); and

(5) § 4–1209 ("Wine permit for fund–raising event").

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

(1) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses"), which is superseded by § 24–1307 of this subtitle;

(2) § 4–1204 ("Class C per diem beer, wine, and liquor license"), which is superseded by § 24–1307 of this subtitle; and

(3) § 4–1205 ("License fees"), which is superseded by § 24–1308 of this subtitle.

§24–1304.

(a) There is a beer, wine, and liquor tasting (BWLT) 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.

§24–1307.

A Class C per diem beer license, a Class C per diem beer and wine license, and a Class C per diem beer, wine, and liquor license may be issued, for a period not exceeding 3 days, to a:

(1) religious, fraternal, civic, veterans', or charitable organization, association, club, or society; or

(2) hospital supporting organization.

§24–1308.

The license fees are:

(1) $5 per day for a Class C per diem beer license;

(2) $15 per day for a Class C per diem beer and wine license; and

(3) $25 per day for a Class C per diem beer, wine, and liquor license.

§24–1309.

(a) The Board may issue a Class C multiple event beer, wine, and liquor license.

(b) The license entitles the license holder to exercise any privilege conferred by the license at an event held by a volunteer fire company.

(c) The number of days for which a multiple event license may be used by a single applicant may not exceed 24 per calendar year.

(d) (1) The license application shall be in the form that the Board provides.

(2) The applicant shall sign the form.

(e) (1) A multiple event license shall be issued:

(i) for one premises only; and

(ii) except as provided in paragraph (2) of this subsection, to the same applicant for all events for which the license is issued.

(2) The Board may:

(i) approve in writing a substitute applicant; and

(ii) before approving a substitute applicant, hold a hearing.

(f) A server who is certified by an approved alcohol awareness program shall be on the premises for which a multiple event license is issued when alcoholic beverages are served.

(g) (1) The annual fee for a license is:

(i) $200 for not more than 12 events per year; and

(ii) $400 for at least 13 but not more than 24 events per year.

(2) The Board may not issue a refund if a license holder holds fewer events during the calendar year than the license holder is entitled to hold.

§24–1310.

(a) This section applies only to volunteer fire companies.

(b) Alcoholic beverages may be stored on the licensed premises between individual licensed events if the alcoholic beverages:

(1) are in a specially identified locked and secured location; and

(2) are not sold or consumed except during licensed event hours for licensed event purposes.

(c) (1) A license holder shall keep complete and accurate records of all alcoholic beverages purchased and sold on the licensed premises.

(2) The records shall be:

(i) maintained on the licensed premises for 2 years; and

(ii) available for inspection by authorized personnel of the Comptroller, the Executive Director, and the Board.

(3) The records shall include a completed pre– and post–inventory of all alcoholic beverages for each individual event.

(d) Authorized personnel of the Comptroller, the Executive Director, and the Board may inspect the premises of a license holder as provided under § 6–202 of this article.

(e) A license holder who violates this section is subject to:

(1) for the first offense, a fine of $100; and

(2) for a subsequent offense, a fine not exceeding $500 and denial of future requests for a license for an individual event or a special multiple event license.

§24–1401.

(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) § 4–111 ("Payment of license fees"); and

(10) § 4–112 ("Disposition of license fees").

(b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article do not apply in the county:

(1) § 4–113 ("Refund of license fees"), which is superseded by § 24–1408 of this subtitle; and

(2) § 4–114 ("Fees for licenses issued for less than 1 year"), which is superseded by § 24–1409 of this subtitle.

(c) Section 4–107 ("Criminal history records check") of Division I of this article applies in the county, subject to §§ 24–1402 through 24–1406 of this subtitle.

§24–1402.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

§24–1403.

The Board shall:

(1) keep all criminal history record information in a sealed envelope available only to the members of the Board and their designees; and

(2) adopt regulations to further preserve the confidentiality of criminal history records obtained.

§24–1404.

The hearing for a new applicant and the issuance of a license may not be delayed due to the failure of the Federal Bureau of Investigation to provide the requested criminal history records check by the date of the scheduled hearing.

§24–1405.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

§24–1406.

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

§24–1407.

(a) (1) A license shall be issued for 6 or 12 months.

(2) The term of a license begins on May 1.

(b) If a license is not claimed by the applicant within 30 days after issue or renewal, the license is void.

(c) When a 6–month license is issued, only one–half of the annual fee shall be charged.

§24–1408.

(a) If a license holder voluntarily surrenders the license before its expiration date, the Board shall grant a refund:

(1) based on the number of whole months remaining before the license expiration date; and

(2) calculated as 1/12 of 95% of the license fee paid for each whole month remaining before the license expiration date.

(b) A refund shall be paid not later than 3 weeks after the license is surrendered to the Board.

§24–1409.

If a license is issued for less than the full renewal period, the fee shall be prorated based on the number of whole months remaining in that renewal period.

§24–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–202 ("Authority of local licensing boards");

(2) § 4–205 ("Chain store, supermarket, or discount house");

(3) § 4–206 ("Limitations on retail sales floor space");

(4) § 4–207 ("Licenses issued to minors");

(5) § 4–208 ("Notice of license application required");

(6) § 4–209 ("Hearing");

(7) § 4–210 ("Approval or denial of license application");

(8) § 4–211 ("License forms; effective date; expiration");

(9) § 4–212 ("License not property"); and

(10) § 4–213 ("Replacement licenses").

(b) Section 4–214 ("Waiting periods after denial of license applications") of Division I of this article does not apply in the county and is superseded by § 24–1503 of this subtitle.

(c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 24–1502 of this subtitle; and

(2) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 24–1502 of this subtitle.

§24–1502.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§24–1503.

(a) Except as provided in subsection (b) of this section:

(1) if a license application is denied, the Board may not issue a license for the same location for 1 year after the denial; and

(2) if a subsequent application for the same location is denied, the Board may not issue a license for that location for 2 years after the second denial.

(b) This section does not apply to a license application that is denied:

(1) because of a legal defect or omission;

(2) solely because the Board determined expressly that the applicant is not a proper person to whom the licensed applied for should be issued; or

(3) for license transfers.

§24–1504.

(a) The Board may authorize a license holder to install an additional bar or serving counter within a reasonable distance of the main building of the premises served by the license held by the license holder.

(b) The Board shall determine what is a reasonable distance for an additional bar or serving counter.

(c) An additional license is not required for an additional bar or serving counter.

§24–1701.

Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article applies in the county without exception or variation.

§24–1801.

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

§24–1802.

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

§24–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 24–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 24–1903 of this subtitle.

§24–1902.

(a) This section applies to the holder of:

(1) a Class A (off–sale) license;

(2) a Class B (on–sale) license; or

(3) a Class C (on–sale) beer, wine, and liquor license.

(b) (1) Except as provided in paragraph (2) of this subsection, an individual under the age of 21 years may not be employed to sell, deliver, or otherwise deal with alcoholic beverages.

(2) An individual at least 18 years old may be employed to:

(i) stock alcoholic beverages in a premises for which a Class A license is issued;

(ii) serve alcoholic beverages while acting as a server on the licensed premises other than a premises for which a Class A license is issued; and

(iii) operate a lottery ticket terminal in a premises for which a Class A license is issued.

§24–1903.

(a) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(i) be certified by an approved alcohol awareness program; and

(ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or a suspension or revocation of the license or both.

§24–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§24–2002.

(a) A holder of a Class A beer license may sell beer from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer license may sell beer 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 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 from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer and wine license may sell beer and wine from 6 a.m. to 2 a.m. the following day.

(c) Reserved.

(d) Reserved.

§24–2004.

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

§24–2005.

A license holder may sell alcoholic beverages from midnight to 4 a.m. on January 1.

§24–2006.

An individual may consume alcoholic beverages on any licensed premises from midnight to 4 a.m. on January 1.

§24–2101.

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

§24–2102.

(a) The Board may suspend a license for a violation of this article for not less than 15 or more than 90 days.

(b) A petition for judicial review does not stay the order of the Board suspending a license.

§24–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§24–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

§24–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§24–2501.

(a) A person may not serve setups, including drinking containers and ice, or serve, keep, or allow to be consumed alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

(1) does not hold a license under this article; and

(2) allows at its location a form of sexual display or attire prohibited under § 4–605 of this article.

(b) A person who operates an establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§24–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§24–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–205 ("Peace officers");

(4) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(5) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(6) § 6–208 ("Regulating possession or consumption of alcohol in public places"); and

(7) § 6–209 ("Adoption of standards for authorization of consumption").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county.

(c) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county:

(1) § 6–204 ("Power to summon witnesses"), in addition to § 24–2602 of this subtitle; and

(2) § 6–211 ("Fines and forfeitures"), subject to § 24–2603 of this subtitle.

§24–2602.

In addition to the sheriff who may serve a summons under § 6–204 of this article, an inspector that the Board employs may serve a summons.

§24–2603.

One–half of each fine imposed in the county shall be distributed as provided in § 7–507 of the Courts Article.

§24–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 (“Beverage misrepresentation”);

(8) § 6–313 (“Tampering with alcoholic beverage container”);

(9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);

(10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);

(11) § 6–316 (“Maximum alcohol content”);

(12) § 6–317 (“Multiple serving purchase required”);

(13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);

(14) § 6–320 (“Disorderly intoxication”);

(15) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(16) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(17) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(18) § 6–328 (“Tax evasion”);

(19) § 6–329 (“Destruction of evidence”); and

(20) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article do not apply in the county:

(1) § 6–321 (“Consumption of alcoholic beverages in public”); and

(2) § 6–322 (“Possession of open container”).

(c) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 24–2702 of this subtitle; and

(2) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 24–2703 of this subtitle.

§24–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§24–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§24–2704.

(a) In this section, "knowingly" means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

§24–2705.

(a) An individual under the age of 21 years may not:

(1) enter the licensed premises; or

(2) knowingly make a false statement concerning the individual's age to gain entrance to the establishment.

(b) An individual who violates subsection (a)(2) of this section:

(1) shall be issued a citation under § 10–119 of the Criminal Law Article by a police officer or alcoholic beverages inspector; and

(2) is subject to the penalties provided in § 10–119 of the Criminal Law Article.

§24–2706.

(a) (1) A license holder or an agent or an employee of the license holder may not allow an individual under the age of 21 years to loiter about the premises for which a Class B or Class D beer license is issued.

(2) An individual under the age of 21 years may not loiter or be a nuisance on the premises for which a Class B or Class D beer license is issued.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $200 or both.

§24–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§24–2802.

(a) (1) The Board shall hear a case within 30 days after the violation is reported by an inspector or law enforcement officer.

(2) The Board shall make a determination of the case within 15 days after the conclusion of the hearing.

(b) (1) Unless another penalty is provided, for a violation of this article, the Board may impose:

(i) for the first offense:

1. a fine not exceeding $1,000;

2. suspension of the license; and

3. closure of the place of business not exceeding 15 days;

(ii) for the second offense:

1. a fine not exceeding $2,000;

2. suspension of the license; and

3. closure of the place of business not exceeding 30 days;

(iii) for a third or subsequent offense that is different from either of the two previous offenses:

1. a fine not exceeding $2,500;

2. suspension of the license; and

3. closure of the place of business not exceeding 90 days; and

(iv) for a third offense that is the same as either of the two previous offenses:

1. revocation of the license;

2. prohibition of licensure of the violator; and

3. prohibition of licensure of the premises for a period not exceeding 1 year after the revocation.

(2) The penalties provided in paragraph (1) of this subsection:

(i) do not limit, but are in addition to, other specific or general penalties for the same violation under this article; and

(ii) are independent of any related court action based on the same violation.

(c) A petition seeking judicial review may not stay an order of the Board to suspend a license or close a place of business.

§24–2803.

The Board shall expunge the record of a violation of this article or a regulation adopted under this article 7 years after the date the violation occurred.

§25–101.

(a) In this title:

(1) 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 Montgomery County.

(c) "County" means Montgomery County.

§25–102.

This title applies only in Montgomery County.

§25–103.

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§25–201.

There is a Board of License Commissioners for Montgomery County.

§25–202.

(a) The County Executive shall appoint five members to the Board, subject to confirmation by the County Council.

(b) (1) Each member of the Board shall be a registered voter of the county.

(2) Not more than three members of the Board may be members of the same political party.

(c) (1) In this subsection, "direct or indirect interest" means an interest that is proprietary or obtained by a loan, mortgage, or lien or in any other manner.

(2) A member of the Board may not:

(i) have a direct or indirect interest in or on a premises where alcoholic beverages are manufactured or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture or sale of alcoholic beverages;

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises where alcoholic beverages are manufactured or sold; or

2. a business wholly or partly devoted to the manufacture or sale of alcoholic beverages;

(iv) hold any other public office, including federal, State, or local office; or

(v) solicit or receive, directly or indirectly, a commission, remuneration, or gift from:

1. a person engaged in the manufacture or sale of alcoholic beverages or an agent or employee of the person; or

2. a license holder.

(3) (i) Subject to the Montgomery County public ethics law and subparagraph (ii) of this paragraph, a member of the Board may be an employee of the federal, State, or local government.

(ii) A member of the Board may not be an employee of the County Alcohol Beverage Services.

(d) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(e) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(f) With the approval of the County Council, the County Executive may remove a member for misconduct in office, incompetence, or willful neglect of duty.

§25–203.

From among its members, the Board annually shall elect a chair.

§25–204.

(a) Three members of the Board are a quorum for transacting business.

(b) (1) The chair of the Board shall receive $10,000 annually.

(2) Each other member of the Board shall receive $9,000 annually.

(c) (1) The Board may:

(i) employ:

1. a secretary;

2. inspectors; and

3. clerical and other assistants as are necessary; and

(ii) set the compensation of the employees.

(2) The office of the County Attorney and other county departments shall be made available to the Board.

(3) A county employee made available to the Board under paragraph (2) of this subsection may not solicit or receive, directly or indirectly, a commission, remuneration, or gift from:

(i) a person engaged in the manufacture or sale of alcoholic beverages or an agent or employee of the person; or

(ii) a license holder.

§25–205.

An inspector may issue a civil citation as provided in § 25–2602 of this title.

§25–206.

The Board may adopt regulations to carry out this article.

§25–301.

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

(b) "Director" means the Director of the Services.

(c) "Dispensary" means a store established and maintained by the Services for the sale of alcoholic beverages.

(d) "Services" means the County Alcohol Beverage Services.

§25–302.

There is the Alcohol Beverage Services in the county government, which functions as a liquor control board.

§25–303.

(a) There is a Director of the Services, who shall be the chief administrative officer of and exercise general supervision over the Services.

(b) The County Executive shall appoint the Director with the consent of the County Council.

(c) The County Executive shall determine the qualifications of the Director.

(d) The Director:

(1) serves at the pleasure of the County Executive; and

(2) shall devote full time to the duties of the Services.

(e) The County Executive shall set the salary of the Director with the approval of the County Council.

§25–304.

(a) (1) With the approval of the County Executive, the Director may appoint employees necessary to operate the dispensary system, set employee compensation, and require a bond for the faithful performance of employee duties.

(2) Except for the Director, each Services employee shall be appointed and employed in accordance with regulations of the Merit System Protection Board.

(b) The Office of the County Attorney shall provide legal services to the Services.

§25–305.

(a) A member of the County Council or the County Executive may not have a direct or indirect financial interest in the sale, manufacture, blending, brewing, distilling, rectifying, or wholesaling of any alcoholic beverage purchased or sold under this article.

(b) Except as provided in subsection (c) of this section, an employee of the Services may not:

(1) have a direct or indirect financial interest in the sale, manufacture, blending, brewing, distilling, rectifying, or wholesaling of any alcoholic beverage purchased or sold under this article;

(2) have an interest in a license;

(3) directly or indirectly solicit or receive any fee, commission, gratuity, emolument, remuneration, reward, present, or alcoholic beverage sample, and any other consideration from:

(i) a person who sells, manufactures, blends, brews, distills, rectifies, wholesales, or distributes alcoholic beverages; or

(ii) a license holder; or

(4) derive any profit or remuneration from the purchase or sale of alcoholic beverages other than the salary paid by the county for the discharge of the employee's duties.

(c) Subject to the County Public Ethics Law, the Services may allow a Services employee to be employed by a license holder if the employment directly relates to the performing arts.

(d) (1) Except as provided in subsection (e) of this section, a person listed in paragraph (2) of this subsection may not directly or indirectly offer, pay, or give a fee, reward, present, commission, gift, or sample of alcoholic beverages to an employee of the Services, a member of the County Council, or the County Executive.

(2) This subsection applies to:

(i) a license holder or an employee of a license holder; or

(ii) a person or an agent or employee of a person engaged in the manufacture, sale, blending, brewing, distilling, rectifying, wholesaling, or distribution of alcoholic beverages.

(e) (1) This section does not prohibit a manufacturer, brewer, wholesaler, or dealer that sells or attempts to sell alcoholic beverages to the Services from providing samples of alcoholic beverages to the Services.

(2) A person that provides samples of alcoholic beverages to the Services shall obtain a receipt, signed by the Director, stating in detail the amount and a description of the samples.

(3) When received, samples of alcoholic beverages provided under this subsection shall be inventoried and sold in the same manner as other beverages that the Services purchases.

(f) A person that violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 12 years or a fine not exceeding $5,000 or both.

§25–306.

(a) There is an Advisory Board in the Services.

(b) The Advisory Board consists of the following eight members:

(1) the Director or the Director's designee;

(2) the Director of the County Department of Police or the designee of the Director of the County Department of Police;

(3) the Chair of the Board of License Commissioners; and

(4) five members who are county residents appointed by the County Executive with the consent of the County Council.

(c) Of the members of the Advisory Board appointed under subsection (b)(4) of this section:

(1) only one shall be a holder of a Class B or a Class C beer, wine, and liquor license in the county; and

(2) only one shall be a holder of a license of any other class in the county.

(d) (1) This subsection applies to members of the Advisory Board appointed under subsection (b)(4) of this section.

(2) The term of a member is 4 years.

(3) A member appointed after a term has begun serves only for the remainder of the term.

(4) The terms of the members are staggered as required by the terms provided for members on July 1, 2016.

(e) With the consent of the County Council, the County Executive may remove a member whom the County Executive appointed to the Advisory Board.

(f) The Advisory Board shall report at least quarterly to the County Executive on recommendations for the improvement of:

(1) the alcoholic beverages control and enforcement activities of the county; and

(2) the operations of the dispensary and distribution systems from the standpoint of efficiency, service provided, and convenience to the public.

(g) A member of the Advisory Board:

(1) may not receive compensation; but

(2) is entitled to necessary expenses in connection with the performance of the duties of the Advisory Board.

§25–307.

(a) This section does not apply to a holder of a Class F license.

(b) (1) Except as provided in paragraphs (2) through (8) of this subsection:

(i) the Services has a monopoly on the wholesale distribution of beer, wine, and liquor and retail distribution of off–sale liquor in the county, subject to § 1–319 of this article; and

(ii) a person may sell only alcoholic beverages that are purchased from the Services.

(2) The holders of the following wholesaler's licenses may sell or deliver alcoholic beverages for resale to a dispensary:

(i) a Class 1 beer, wine, and liquor license;

(ii) a Class 2 wine and liquor license;

(iii) a Class 3 beer and wine license;

(iv) a Class 4 beer license; or

(v) a Class 5 wine license.

(3) The holder of a Class 6 limited wine wholesaler's license or nonresident winery permit may sell or deliver wine directly to a dispensary, restaurant, or other retail dealer in the county.

(4) The holder of a Class 7 limited beer wholesaler's license or nonresident brewery permit may sell or deliver its own beer to a dispensary, restaurant, or other retail dealer in the county.

(5) The holder of a Class 8 liquor wholesaler's license or nonresident distillery permit may sell or deliver its own liquor to a dispensary, restaurant, or other retail dealer authorized to sell liquor in the county.

(6) A holder of a direct wine shipper's permit may ship wine directly to a consumer in the county.

(7) A dispensary, restaurant, or other retail dealer in the county may purchase wine directly from a holder of a Class 6 limited wine wholesaler's license or of a nonresident winery permit.

(8) A dispensary, restaurant, or other retail dealer in the county may purchase beer directly from a holder of a Class 7 limited beer wholesaler's license or of a nonresident brewery permit.

(9) A dispensary, restaurant, or other retail dealer authorized to sell liquor in the county may purchase liquor directly from a holder of a Class 8 liquor wholesaler's license or of a nonresident distillery permit.

(10) A holder of a charity wine auction permit in the county may receive and sell wine obtained from any source listed under § 2–137 of this article.

§25–308.

(a) The Services may enter into an agreement with a holder of a per diem license to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§25–309.

(a) With the approval of the County Executive and subject to § 1–319 of this article, the Director may:

(1) purchase from a holder of a wholesaler's license or manufacturer's license alcoholic beverages that the Services is authorized to sell and on which the excise tax imposed by § 5–102 of the Tax – General Article is paid;

(2) purchase from a holder of a resident or nonresident dealer's permit and import for resale alcoholic beverages that the Services is authorized to sell, and resell the alcoholic beverages once the excise tax is paid;

(3) sell alcoholic beverages in sealed containers at prices that it determines and that are uniform in all dispensaries;

(4) refuse to sell alcoholic beverages to a person that, in the Services' judgment, is not suitable to purchase or consume the alcoholic beverages;

(5) restrict by any method the quantity of alcoholic beverages that may be sold to an individual consumer or license holder at or during any time;

(6) enter into a contract or adopt regulations necessary or desirable to carry out this article;

(7) sell and ship outside of the county a container or package of alcoholic beverages kept for sale in a dispensary, if not prohibited by law in the place where the shipment is consigned; and

(8) establish the hours of sale for dispensaries, outside of which a dispensary may not remain open.

(b) (1) With the approval of the County Executive, the Director, by rental, lease, purchase, or otherwise, may acquire:

(i) real or personal property determined by the Director to be necessary to operate dispensaries, stores, or warehouses; and

(ii) alcoholic beverages from any source for resale.

(2) Except for purchases of merchandise for resale, the Services shall make all purchases through the County Office of Procurement.

§25–310.

(a) With the approval of the County Executive, the Director may establish a dispensary at one or more locations that the Director determines.

(b) (1) The Services may sell its inventory through:

(i) dispensaries selling at wholesale and retail; and

(ii) subject to subsection (c) of this section, retail outlets operated by individuals with whom the Services contracts.

(2) Notwithstanding any other law, the Director may sell at wholesale or retail alcoholic beverages in whole cases or in individual bottles through dispensaries to a license holder in the county.

(3) The Services may not sell alcoholic beverages at different prices to different license holders or classes of license holders.

(c) (1) The Director may not contract with a person to operate:

(i) a dispensary; or

(ii) except as provided in paragraph (2) of this subsection, a retail outlet for the sale of beer, wine, and liquor.

(2) The Director may enter into a contract with a person to operate a retail outlet for the sale of liquor for off–premises consumption if the person holds any license for off–premises consumption or for on– and off–premises consumption.

(3) The Services shall establish criteria for contracting with retail outlets.

(d) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Beer" includes draft beer in refillable and nonrefillable containers.

(iii) "Wine" includes wine in refillable containers.

(2) A dispensary:

(i) may sell only:

1. except as provided for in subsection (e) of this section, for off–premises consumption, nonchilled beer, wine, and liquor;

2. ice;

3. bottled water; and

4. items commonly associated with the serving or consumption of alcoholic beverages, including bottle openers, corkscrews, drink mixes, and lime juice; and

(ii) may not sell snack foods or soft drinks.

(e) (1) A dispensary may sell any product in the dispensary's inventory for the purpose of:

(i) holding tastings of beer, wine, and liquor on the premises of the dispensary only;

(ii) serving, for tasting, beer, wine, and liquor; and

(iii) allowing the consumption of beer, wine, and liquor by an individual for tasting in a quantity of not more than:

1. one–half ounce from each offering of liquor;

2. 1.5 ounces from all offerings of liquor in a day;

3. 1 ounce from each offering of wine;

4. 4 ounces from all offerings of wine in a day;

5. 3 ounces from each offering of beer; and

6. 12 ounces from all offerings of beer in a day.

(2) Once opened, a bottle used for beer, wine, or liquor tasting shall be marked that it is to be used for that purpose only.

(3) A dispensary may sell chilled beer or chilled wine for off–premises consumption only from a keg for the purpose of filling:

(i) for beer, a refillable container or a nonrefillable container; and

(ii) for wine, a refillable container.

(f) The Services may sell or deliver alcoholic beverages to a retail license holder from 6 a.m. to midnight on every day except Sunday.

(g) A manager of a dispensary, an individual who contracts to operate a retail outlet as authorized under subsection (c) of this section, or an employee of a dispensary or retail outlet who commits a prohibited act related to the sale or providing of alcoholic beverages to individuals under the age of 21 years under this article or the Criminal Law Article is subject to:

(1) any penalty authorized by law, including a civil citation issued under § 10–119 of the Criminal Law Article; and

(2) a fine and suspension or revocation of employment by the Board in the same manner as a license holder or employee of a license holder would be subject to a fine and suspension or revocation of the license for the violation.

(h) Title 4, Subtitle 2 of this article does not apply to this section.

§25–311.

(a) Revenue derived from the sale of alcoholic beverages shall be:

(1) deposited in a bank located in the county in the name of Montgomery County, Maryland; and

(2) disbursed by the Director of Finance in the same manner as other county funds.

(b) (1) There is an Alcohol Beverage Services Fund in the county.

(2) The proceeds derived from the sale of alcoholic beverages shall be credited into the Alcohol Beverage Services Fund to maintain an adequate balance of working capital, as determined by the Director and the Director of Finance and subject to the approval of the County Executive, for the continued operation of the dispensary system.

(3) After providing adequate working capital for the Alcohol Beverage Services Fund, the net proceeds shall be deposited to the general fund of the county.

§25–312.

The Services shall have the immunity from liability established under § 5–504 of the Courts Article.

§25–313.

The Department of Finance shall:

(1) keep accurate records of all purchases of alcoholic beverages; and

(2) prepare and forward to the County Executive and County Council an annual report for the previous fiscal year.

§25–314.

(a) A supplier may enter into an agreement with a wholesaler or an authorized representative of a wholesaler to replace, directly or indirectly, stale or out–of–date malt beverage products on retail licensed premises:

(1) on a case for case basis;

(2) at the supplier's expense; and

(3) under a plan that the Executive Director approves.

(b) (1) If a wholesaler refuses to replace stale or out–of–date malt beverage products on retail licensed premises under the plan described in subsection (a)(3) of this section, the supplier may unilaterally submit a replacement plan to the Executive Director for approval.

(2) The replacement plan that the supplier unilaterally submits to the Executive Director may include the designation of an authorized representative or wholesaler outside the territory of the wholesaler who refuses to participate in the plan.

§25–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–204 ("Class 2 rectifying license");

(4) § 2–207 ("Class 5 brewery license");

(5) § 2–210 ("Class 8 farm brewery license");

(6) § 2–211 ("Residency requirement");

(7) § 2–212 ("Additional licenses");

(8) § 2–213 ("Additional fees");

(9) § 2–214 ("Sale or delivery restricted");

(10) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(11) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2–215 ("Beer sale on credit to retail dealer prohibited") of Division I of this article does not apply in the county.

(c) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

(1) § 2–203 ("Class 9 limited distillery license"), subject to § 25–406 of this subtitle;

(2) § 2–205 ("Class 3 winery license"), subject to § 25–403 of this subtitle;

(3) § 2–206 ("Class 4 limited winery license"), subject to § 25–407 of this subtitle;

(4) § 2–208 ("Class 6 pub–brewery license"), subject to § 25–404 of this subtitle;

(5) § 2–209 ("Class 7 micro–brewery license"), subject to § 25–405 of this subtitle; and

(6) § 2–216 ("Interaction between manufacturing entities and retailers"), subject to § 25–405 of this subtitle.

§25–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to the Alcohol Beverage Services from 6 a.m. to midnight on every day except Sunday.

§25–403.

The Board may issue a Class D beer and wine license to a holder of a Class 3 winery license that produces not more than 20,000 gallons in a year.

§25–404.

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Section 2–208(d) of this article does not apply in the county.

(c) A holder of the license shall enter into a written agreement with the Alcohol Beverage Services for the sale and resale of malt beverages brewed under the license.

§25–405.

(a) This section applies to a Class 7 micro–brewery (on– and off–sale) license in the county.

(b) The license may be issued to the holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the county;

(2) subject to subsection (c) of this section, a Class D beer and wine license that is issued for the sale of beer and wine, at retail, at the place described in the license, for on– and off–premises consumption;

(3) a Class H beer and wine license that is issued for the sale of beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on–premises consumption;

(4) a Class BD–BWL license that is issued for the sale of beer and wine for on– and off–premises consumption, and liquor for on–premises consumption, at the place described in the license;

(5) a Class B–BWL (clubhouse/lodge) license that is issued for the sale of beer and wine for on– and off–premises consumption, and liquor for on–premises consumption, at the place described in the license; or

(6) a Class D beer, wine, and liquor license that is issued for the sale of beer, wine, and liquor for on–premises consumption, at the place described in the license.

(c) The Executive Director may not issue more than an aggregate amount of two Class 7 micro–brewery licenses to holders of Class D beer and wine licenses in the Town of Kensington.

(d) A holder of the license shall enter into a written agreement with the Alcohol Beverage Services for the sale and resale of malt beverages brewed under the license.

(e) (1) Subject to paragraphs (2), (3), and (4) of this subsection, the holder of a Class 7 micro–brewery license may:

(i) brew in two locations using the same Class 7 micro–brewery license; and

(ii) obtain a Class 2 rectifying license for the premises at the two locations authorized under item (i) of this paragraph.

(2) The holder of a Class 7 micro–brewery license may brew in two locations using the same Class 7 micro–brewery license if the license holder:

(i) requests permission by submitting a written application to the Executive Director; and

(ii) obtains written approval from the Executive Director.

(3) Before authorizing a holder of a Class 7 micro–brewery license to brew in two locations using the same Class 7 micro–brewery license, the Executive Director shall:

(i) make a determination that a second location to brew additional capacity is necessary due to insufficient space at the existing Class 7 license location; and

(ii) consider any other factor relevant to approval of the application.

(4) Notwithstanding any other provision of this article, a holder of a Class 7 micro–brewery license may not serve or sell malt beverages for on– or off–premises consumption at the second brewing location authorized under this subsection.

(f) A holder of a Class B–BWL (clubhouse/lodge) license that is issued a Class 7 micro–brewery license is not subject to the licensure restriction on holders of Class 7 micro–brewery licenses set forth under § 2–216(e)(2) of this article.

§25–406.

A holder of a Class B beer, wine, and liquor (on–sale) license, a Class B–K beer, wine, and liquor license, or a Class D beer, wine, and liquor (on–sale) license may be issued a Class 9 limited distillery license to sell the distilled products that the holder manufactures for on– and off–premises consumption.

§25–407.

(a) A holder of a Class B–BWL (clubhouse/lodge) license may be issued a Class 4 limited winery license to sell and serve the fermented and distilled products that the holder manufactures for on– and off–premises consumption.

(b) The restrictions under § 2–206(b)(5)(iii), (6)(ii), and (9) and the notice requirement under § 2–206(b)(9) of this article do not apply to a license issued under this section.

§25–501.

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–301 ("Licenses issued by Comptroller");

(2) § 2–307 ("Class 6 limited wine wholesaler's license");

(3) § 2–308 ("Class 7 limited beer wholesaler's license");

(4) § 2–309 ("Sale and delivery of beer or wine from wholesaler's vehicle");

(5) § 2–310 ("Sale and delivery to retail license holder");

(6) § 2–311 ("Additional wholesaler's licenses");

(7) § 2–312 ("Direct importation of alcoholic beverages");

(8) § 2–313 ("Sale or delivery restricted to holder of license or permit");

(9) § 2–315 ("Interaction between wholesaling entities and retailers");

(10) § 2–316 ("Distribution of alcoholic beverages — Prohibited practices"); and

(11) § 2–317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

(b) Section 2–314 ("Beer sale on credit to retail dealer prohibited") of Division I of this article does not apply in the county.

(c) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county subject to § 25–502 of this subtitle:

(1) § 2–302 ("Class 1 beer, wine, and liquor wholesaler's license");

(2) § 2–303 ("Class 2 wine and liquor wholesaler's license");

(3) § 2–304 ("Class 3 beer and wine wholesaler's license");

(4) § 2–305 ("Class 4 beer wholesaler's license"); and

(5) § 2–306 ("Class 5 wine wholesaler's license").

§25–502.

A holder of a Class 1 beer, wine, and liquor, Class 2 wine and liquor, Class 3 beer and wine, Class 4 beer, or Class 5 wine wholesaler's license may not sell or deliver any alcoholic beverage in the county for resale except to a county dispensary.

§25–503.

Alcoholic beverages may be sold or delivered from 6 a.m. to midnight, on every day except Sunday:

(1) by a holder of a beer, wine, and liquor, wine and liquor, beer and wine, beer, or wine wholesaler's license to a county dispensary; and

(2) by a holder of a limited wine wholesaler's license to a holder of a retail license or a county dispensary.

§25–601.

(a) There is a Class A beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) A license may not be issued for, for use in conjunction with, or on the premises of:

(i) a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore; or

(ii) a premises that has a passageway providing direct public access to a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore.

(3) The license holder shall sell the beer in a sealed package or container.

(4) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is $200.

§25–602.

(a) There is a Class B beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for, for use in conjunction with, or on the premises of:

(i) a drugstore or a restaurant located in a drugstore; or

(ii) a premises that has a passageway providing direct public access to a drugstore or a restaurant located in a drugstore.

(c) The annual license fee is $250.

§25–603.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) The annual license fee is $50.

§25–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for, for use in conjunction with, or on the premises of:

(i) a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore; or

(ii) a premises that has a passageway providing direct public access to a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley, billiard hall, or drugstore.

(c) The annual license fee is $250.

§25–605.

(a) There is a Class H beer license.

(b) (1) Subject to paragraphs (2) and (3) of this subsection, the license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on–premises consumption.

(2) A license may not be issued for, for use in conjunction with, or on the premises of:

(i) a restaurant located in a drugstore; or

(ii) a premises that has a passageway providing direct public access to a drugstore.

(3) A license may be issued for a public golf course under § 25–1101 of this title.

(c) The annual license fee is $400.

(d) (1) There is one Class H license that shall be issued to a person who, on June 30, 1997, held a Class B beer license and operated a licensed premises that was located in that portion of the City of Takoma Park that was formerly part of Prince George's County.

(2) The Class H license holder may exercise all of the privileges that the license holder was authorized to exercise on June 30, 1997.

(3) The annual license fee is $400.

§25–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license not more than 20,000 gallons of wine produced at the winery each year.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $100.

§25–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume, including naturally fermented or fortified wine.

§25–802.

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

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) (1) Except as provided in paragraph (2) of this subsection, the license may not be issued to or used in conjunction with:

(i) an establishment that is a bowling alley, billiard hall, or drugstore, or a restaurant in the establishment; or

(ii) a place with a door, an archway, an opening, or any other passageway providing direct public access to an establishment listed under item (i) of this paragraph.

(2) Paragraph (1) of this subsection does not apply to the renewal of the license for use by a supermarket that includes a drugstore.

(d) The annual license fee is $250.

§25–803.

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

(b) 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 license may not be issued to or used in conjunction with:

(1) an establishment that is a drugstore or a restaurant in a drugstore; or

(2) a place with a door, an archway, an opening, or any other passageway providing direct public access to an establishment listed under item (1) of this subsection.

(d) The annual license fee is $400.

§25–804.

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

(b) The license authorizes the license holder to sell beer and wine to a member of a club and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is $120.

§25–805.

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

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $400.

§25–806.

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

(b) Except as provided in § 25–1603(c) of this title, 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–premises consumption.

(c) The annual license fee is $400.

§25–901.

(a) There is a Class A–TP beer, wine, and liquor license.

(b) (1) The Board shall issue the license to a person who on June 30, 1997:

(i) held a Class A beer, wine, and liquor license; and

(ii) operated a business for which a Class A license was issued on the licensed premises that is in the part of the City of Takoma Park that was formerly part of Prince George's County.

(2) (i) Unless revoked or not renewed for good cause, the license shall continue and be renewed, subject to payment of the annual license fee.

(ii) The license is not transferable to any other location, but the license may be transferred to another person at any time, subject to the restrictions on similar transfers for other alcoholic licenses in the county.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) A license under this section may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(e) The Board shall adopt regulations, including the hours of sale, to carry out this section.

(f) The annual license fee is $910.

§25–902.

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

(b) The Board may issue the license to the owner or operator of a restaurant or hotel if:

(1) before the issuance of the license, the owner or operator attests in a sworn statement that gross receipts from food sales in the restaurant or hotel will be at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages; and

(2) before each renewal of the license, the owner or operator attests in a sworn statement that the gross receipts from food sales in the restaurant or hotel

for the 12 months immediately before the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages.

(c) The license authorizes the license holder to sell at the place described in the license:

(1) beer, wine, and liquor at retail for on–premises consumption; and

(2) beer and wine in containers sealed with the manufacturer's original seal for off–premises consumption only to a person who has purchased prepared food from the licensed premises.

(d) (1) The license holder may not display or provide shelving for beer or wine for off–premises sales in areas of the establishment that are accessible to the public.

(2) Off–sale alcoholic beverages receipts collected under the license shall be included in the calculation of gross receipts from the sale of alcoholic beverages.

(3) The license holder may sell beer and wine for off–premises consumption only when the licensed premises is open for business as a hotel or restaurant.

(e) (1) The Board may adopt regulations to carry out this section, including regulations that limit the quantity of beer and wine that may be sold to a person for off–premises consumption in a single transaction.

(2) The Board shall adopt regulations to provide for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of beer, wine, and liquor.

(f) (1) The Board may revoke a license if the license holder fails to maintain the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages required under this section:

(i) during the initial license year, for 3 consecutive months; or

(ii) after the initial license year, for each license or calendar year.

(2) The Board may require a license holder to provide supporting data as the Board considers necessary to establish that the license holder has met the

requirements of this section relating to the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.

(g) The annual license fee is $2,500.

§25–903.

(a) There is a Class BD–BWL license.

(b) The license authorizes the license holder to sell:

(1) beer and wine for on– or off–premises consumption; and

(2) liquor for on–premises consumption.

(c) As a prerequisite for the initial issuance of the license, the owner of the establishment shall attest in a sworn statement that food will be available for sale for on–premises consumption during the hours that alcoholic beverages are permitted to be served.

(d) As a prerequisite for each renewal of the license, the owner of the establishment shall attest in a sworn statement that food will be available for sale for on–premises consumption during the hours that alcoholic beverages are permitted to be served.

(e) The Board by regulation shall specify the type of food that is required to be available for sale for on–premises consumption during the hours that alcoholic beverages are permitted to be served.

(f) A holder of a Class BD–BWL license:

(1) may also hold a Class 7 micro–brewery license issued for a location in the county; but

(2) may not hold more than two Class BD–BWL licenses.

(g) If a person holds two Class BD–BWL licenses under subsection (f)(2) of this section, the establishment for which the second Class BD–BWL license is issued shall have average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages.

(h) The annual license fee is $3,500.

§25–904.

(a) There is a Class B–BWL (H–M) beer, wine, and liquor license.

(b) The Board may issue the license to the owner of a hotel or motel that contains at least five rooms to accommodate the public.

(c) The license authorizes the license holder to sell beer, wine, and liquor in accordance with § 25–902 of this subtitle, except that registered guests may be served in their rooms.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 25–2005(e) of this title.

(e) The annual license fee is $2,500.

§25–905.

§25–906.

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

(b) The Board may issue the license to an owner of an establishment if:

(1) before the issuance of the license, the owner attests in a sworn statement that food will be available for sale for on–premises consumption during the hours that alcoholic beverages are permitted to be served; and

(2) before each renewal of the license, the owner attests in a sworn statement that food will be available for sale for on–premises consumption during the hours that alcoholic beverages are permitted to be served.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(d) The Board shall adopt regulations that specify the type of food that is required to be available for sale for on–premises consumption during the hours that alcoholic beverages are permitted to be served.

(e) The annual license fee is $3,000.

§25–1001.

(a) There is an art gallery beer and wine license.

(b) (1) The Board may issue an art gallery beer and wine license to a nonprofit or for–profit retail business engaged in the display and sale of original artwork by an individual artist or a group of artists.

(2) The Board may not issue the license to a business that displays and sells commercially prepared or mass–produced artistic products.

(c) The license authorizes the license 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 when snacks are served during normal business hours but not later than midnight.

(e) The license may not be transferred to another location.

(f) The annual license fee is $100.

§25–1002.

(a) There is a beauty salon and barbershop beer, wine, and liquor license.

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

(1) a beauty salon permit issued under § 5–501 of the Business Occupations and Professions Article; or

(2) a barbershop permit issued under § 4–501 of the Business Occupations and Professions Article.

(c) The license authorizes the license holder to provide not more than 12 ounces of beer, 5 ounces of wine, or 1.7 ounces of liquor for on–premises consumption by a beauty salon or barbershop customer:

(1) when the customer is provided a cosmetology service under Title 5 of the Business Occupations and Professions Article or a barbering service under Title 4 of the Business Occupations and Professions Article; or

(2) while the customer is attending a fund–raising event at the beauty salon or barbershop for which the County Department of Permitting Services has issued a permit.

(d) The license may not be transferred to another location.

(e) The license holder may provide beer, wine, and liquor during normal business hours but not later than 9 p.m.

(f) An establishment 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 $100.

§25–1003.

(a) There is a Class B–BWL (clubhouse/lodge) license.

(b) The Board may issue a Class B–BWL (clubhouse/lodge) license to the Executive Director of the Montgomery County Revenue Authority or the designee of the Executive Director, for use by a multiuse facility that accommodates a golf course, a restaurant, a clubhouse, a tasting bar, and the catering of events anywhere on the property.

(c) The license authorizes the license holder to:

(1) sell beer and wine for off–premises consumption;

(2) sell beer, wine, and liquor for on–premises consumption; and

(3) offer samples of alcoholic beverages at no charge or for a fee.

(d) The restrictions contained in § 25–902(b) of this title do not apply to the issuance of a Class B–BWL (clubhouse/lodge) license.

(e) The license holder may also hold:

(1) a Class 4 limited winery license in accordance with § 25–407 of this title; and

(2) a Class 7 micro–brewery license in accordance with § 25–405 of this title.

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

§25–1004.

(a) There is a BWL Community Performing Arts Facility license.

(b) (1) The Board may issue the license for use by a nonprofit partnership, limited liability company, corporation, or other entity that owns or leases a performing arts facility that is used for art classes, banquets, community–related activities, exhibits, live performances, shows, theater productions, visual art shows, and weddings.

(2) The Board may not issue more than three licenses to a nonprofit partnership, limited liability company, corporation, or other entity that owns or leases performing arts facilities in separate locations.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the drink from one or more outlets on the licensed premises for on–premises consumption.

(2) The Board may impose conditions on the issuance or renewal of the license that establish the areas in the community performing arts facility where beer, wine, and liquor may be sold, served, possessed, or consumed.

(3) The license holder shall ensure that food is provided during the hours beer, wine, and liquor are sold, served, possessed, or consumed.

(d) (1) The holder of a Class B–BWLHR license with catering authority, a local caterer's license, or a State caterer's license may bring alcoholic beverages and food on the licensed premises under the terms of a contract with a holder of a BWL Community Performing Arts Facility license.

(2) A violation of this title that occurs when a caterer brings alcoholic beverages on licensed premises as provided under paragraph (1) of this subsection is the responsibility of the caterer and is not the responsibility of the license holder.

(e) The license holder may sell beer, wine, and liquor from 9 a.m. on any day of the week to 2 a.m. the following day.

(f) The license may not be transferred to another location.

(g) The annual license fee is $750.

(h) (1) There is a Community Performing Arts Facility special event permit.

(2) The Board may issue the permit only to the holder of a BWL Community Performing Arts Facility license.

(3) A holder of the permit may sell beer, wine, or liquor for consumption on the premises of the special event.

(4) A holder of the permit shall notify the Board in writing on a form provided by the Board at least 14 days before each event.

(5) A holder of the permit may hold an unlimited number of events in a year.

(6) The annual permit fee is $200.

§25–1004.1.

(a) In this section, "shopping center" means any combination of privately owned commercial, professional, or retail establishments to which the general public is invited for business purposes.

(b) There is a consumption only marketplace license.

(c) The Board may issue a consumption only marketplace license to the developer or the management company of a commercial shopping center if the commercial shopping center:

(1) encompasses an area of at least 10 acres;

(2) includes at least one establishment for which a Class B license, Class BD–BWL license, Class D–BWL license, or Class H license has been issued; and

(3) contains a designated outdoor area for the consumption of alcoholic beverages.

(d) The license authorizes the license holder to allow the consumption of beer, wine, and liquor in a designated outdoor area located within the commercial shopping center if the beer, wine, or liquor is purchased at an establishment:

(1) that is located within the commercial shopping center;

(2) for which a Class B license, Class BD–BWL license, or Class H license has been issued;

(3) is within 1,000 feet of the designated outdoor area; and

(4) that uses containers branded with an identifying mark of the seller.

(e) As part of the license application, a developer shall include:

(1) a description of the designated outdoor area and a list of the license holders whose beer, wine, and liquor may be consumed in the designated outdoor area; and

(2) a security plan that has been approved by the Montgomery County Department of Police.

(f) The license holder may allow the consumption of beer, wine, and liquor in the designated outdoor area on Monday through Sunday, from 11 a.m. to 11 p.m.

(g) The annual license fee is $4,000.

§25–1005.

(a) There is a continuing care retirement community license.

(b) The Board may issue the license for use by a club that:

(1) is composed of residents of a continuing care retirement community that has obtained a certificate of registration from the Department of Aging under Title 10, Subtitle 4 of the Human Services Article;

(2) has at least 50 members; and

(3) has annual dues that average at least $5 per member.

(c) The license authorizes the license holder to sell, at retail at the place described in the license, beer, wine, and liquor:

(1) purchased from the Alcohol Beverage Services for the county;

(2) for on–premises consumption; and

(3) to a member or a guest accompanied by a member.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 25–2005 of this title.

(e) The annual license fee is $500.

§25–1006.

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

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption at a corporate headquarters support facility.

(2) For the Board to issue the license, the corporate headquarters support facility shall serve only the workforce training and education needs of employees, customers, and visitors to the corporate headquarters of a corporation that employs at least 500 employees in the county.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 25–2005 of this title.

(d) The annual license fee is $2,500.

§25–1007.

(a) There is a country club license.

(b) The application shall be signed by at least one officer of the club who is a resident, registered voter, or taxpayer of the county.

(c) The Board may issue the license for use by a country club:

(1) that has at least 100 members;

(2) whose members pay an annual total amount of dues that averages at least $50 per member; and

(3) that maintains at the time of the license application a regular or championship golf course of at least nine holes.

(d) The license authorizes the license holder to sell beer, wine, and liquor purchased from the Alcohol Beverage Services for on–premises consumption by:

(1) a country club member;

(2) a member of the immediate family of a country club member;

(3) an individual residing temporarily in the clubhouse of the country club; or

(4) a guest of a country club member, including an individual who attends a recognized national or regional athletic event held on the premises of the license holder if:

(i) the license holder has applied to the Board to sell alcoholic beverages to individuals attending the event;

(ii) the application has been made at least 60 days before the date that the event is to take place; and

(iii) the Board has approved the application.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 25–2005 of this title.

(f) An employee of a country club for which a license has been issued may not have a guest at the country club to consume alcoholic beverages during the employee's normal working hours.

(g) The annual license fee is $2,000.

(h) (1) There is a country club off–sale permit.

(2) The Board may issue the permit only to a holder of a country club license.

(3) A holder of the permit may sell wine by the bottle for off–premises consumption only:

(i) at a wine tasting event that is held on the premises for which the holder's country club license is issued;

(ii) to an individual specified in subsection (d) of this section; and

(iii) during the hours and days the license holder is authorized to sell beer, wine, and liquor under subsection (e) of this section.

(4) A holder of the permit shall notify the Board in writing on a form provided by the Board at least 14 days before each tasting event.

(5) A holder of the permit may not hold more than:

(i) twelve tasting events in a calendar year; or

(ii) two tasting events in a single month.

(6) The Board may set a fee for the permit in addition to the annual fee for the country club license.

§25–1008.

(a) There is a culinary school beer and wine license.

(b) The Board, by majority vote, may issue the license for use on the premises of a private culinary educational institution that:

(1) is accredited by a nationally recognized accrediting association;

(2) is approved by the State Higher Education Commission; and

(3) holds a private educational institution license issued by the county.

(c) (1) The license authorizes the license holder to:

(i) allow the consumption of wine by individuals who are at least 21 years old and registered in a wine tasting course offered by the license holder; and

(ii) allow the consumption of beer and wine by individuals who are at least 21 years old and registered in a culinary or confectionary course offered by the license holder.

(2) An individual may consume beer or wine under the license on the licensed premises.

(d) A license holder may conduct the activities specified in subsection (b) of this section:

(1) from Monday through Thursday, from 9 a.m. to 1 a.m. the following day;

(2) on Friday and Saturday, from 9 a.m. to 2 a.m. the following day; and

(3) on Sunday, from 10 a.m. to 1 a.m. the following day.

(e) The license holder shall provide food during the hours that alcoholic beverages are served.

(f) A license holder may not simultaneously hold a different type of license issued under this article.

(g) The annual license fee is $400.

§25–1009.

(a) There is a fraternal/sororal/service organization beer, wine, and liquor license.

(b) The Board may issue the license for use by a local unit of a lodge or chapter of a nonprofit and nationwide fraternal, sororal, or service organization that:

(1) is composed only of inducted members;

(2) was operating in the county before the license application was made;

(3) has a membership of at least 200 individuals and dues of not less than $5 per year per individual; and

(4) owns and operates a clubhouse that is principally for the use of its members and their guests when accompanied by members.

(c) The license authorizes the license holder to sell beer, wine, or liquor to its members or guests accompanied by members for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 11 a.m. to 1 a.m. the following day; and

(2) on Sunday, from noon to 1 a.m. the following day.

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

§25–1010.

(a) There is a Class B–BWL (large performing arts facility) license.

(b) The Board may issue the license for use by a nonprofit partnership, limited liability company, corporation, or other entity that leases a performing arts facility that:

(1) is used for artistic, corporate, and community related activities; and

(2) has:

(i) a minimum capital investment, not including real property, of $1,000,000;

(ii) a minimum capacity of 1,500 individuals;

(iii) a food service facility permit; and

(iv) 40 seats in a food service area.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the drink from one or more outlets on the licensed premises for on–premises consumption.

(2) A license holder may not sell beer, wine, and liquor at:

(i) a high school graduation held on the licensed premises; or

(ii) a community meeting held without food service on the licensed premises.

(3) The Board may impose conditions on the issuance or renewal of the license that establish the areas in the performing arts facility where beer, wine, and liquor may be sold, served, possessed, or consumed.

(d) The license holder may sell beer, wine, and liquor from 10 a.m. on any day of the week to 2 a.m. the following day.

(e) The license may not be transferred to another location.

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

§25–1011.

(a) (1) In this section the following words have the meanings indicated.

(2) "Authority" means the Montgomery County Revenue Authority.

(3) "Commission" means the Maryland–National Capital Park and Planning Commission.

(b) (1) There is a Class H beer (on–sale) license, a Class H beer and wine (on–sale) license, and a Class B–BWL (clubhouse/lodge)(beer and wine off–sale; beer, wine, and liquor on–sale) license issued for the limited use of public golf courses under the jurisdiction of the Authority.

(2) There is a Class H beer (on–sale) license and a Class H beer and wine (on–sale) license issued for the limited use of public golf courses under the jurisdiction of the Commission.

(c) (1) The Director or Deputy Director of the County Parks Department of the Commission may hold one or more licenses issued for the use of public golf courses that are in the county under the jurisdiction of the Commission.

(2) (i) The Executive Director of the Authority or the designee of the Executive Director may hold one or more licenses issued for the use of public golf courses under the jurisdiction of the Authority.

(ii) A license issued under this paragraph shall be signed by the Executive Director of the Authority or the designee of the Executive Director.

(d) (1) The holder of a Class H beer license may sell beer for on–premises consumption during the hours and days as set out for a Class H beer license under § 25–2003 of this title.

(2) The holder of a Class H beer and wine license may sell beer and wine for on–premises consumption during the hours and days as set out for a Class H beer and wine license under § 25–2005 of this title.

(3) The holder of a Class B–BWL beer, wine, and liquor license may sell beer, wine, and liquor for on–premises consumption during the hours and days as set out for a Class B–BWL beer, wine, and liquor license under § 25–2005 of this subtitle.

(e) (1) As a condition to holding a license under this section, the Director or Deputy Director of the County Parks Department of the Commission or the Executive Director of the Authority or the designee of the Executive Director shall designate an individual with respect to each golf course to complete training in an alcohol awareness program approved under § 4–505 of this article.

(2) The individual designated to complete training in an alcohol awareness program under paragraph (1) of this subsection shall:

(i) represent the concessionaire; and

(ii) be involved with the management of the sale of beer or wine by the concessionaire at the golf course.

§25–1011.1.

(a) There is a sports stadium license.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to three individuals serving on the board of directors for a corporation, partnership, or limited liability company that operates a stadium that:

(i) has a minimum capital investment of $2,000,000, not including the cost of land;

(ii) serves as a venue for professional sports events; and

(iii) has a seating capacity of 2,000 persons, as established by the Fire Marshal for the county.

(2) At least one of the individuals to whom the license is issued shall be a resident of the State at the time the application is filed.

(c) (1) The license authorizes the license holder to sell beer and wine for on–premises consumption during a professional sports event or other event held at the stadium.

(2) Sales may take place at a service bar or throughout the stadium by individual sales vendors on behalf of the license holder.

(d) (1) The hours of sale during a sports event are:

(i) from 30 minutes before the start of the event until the start of the final period of play if only one event is played in a day; or

(ii) from 30 minutes before the start of the first event until the start of the final period of play of the last event scheduled for that day if more than one event is played on the same day.

(2) The hours of sale for an event other than a sports event shall be set by the Board.

(e) All beer and wine intended for consumption at the stadium shall be purchased from the Alcohol Beverage Services for the county.

(f) Each server of alcoholic beverages at the stadium shall hold a certificate of completion from an approved alcohol awareness program as described in § 4–505 of this article.

(g) The annual license fee is $2,000.

§25–1012.

(a) There is a Class C (Takoma Park veterans') beer, wine, and liquor license.

(b) The Board may issue the license for use by a local unit of a nationwide nonprofit organization or club that:

(1) is in the portion of the City of Takoma Park that was formerly part of Prince George's County;

(2) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;

(3) had a charter from a national veterans' organization before the application for the license was made;

(4) has a bona fide membership of at least 100 individuals and dues of not less than $5 per year per individual;

(5) operates only for the use of its own members and guests when accompanied by members;

(6) possessed a club license originally issued by the Prince George's County Board of License Commissioners when the club was in the portion of the City of Takoma Park that was formerly part of Prince George's County; and

(7) meets in a clubhouse principally used for no other purpose.

(c) The license authorizes the license holder to sell beer, wine, or liquor to its members or guests accompanied by members at retail at the place described in the license for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 25–2005 of this title.

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

§25–1013.

(a) (1) In this section the following words have the meanings indicated.

(2) "Movie theater" means a building designed or used primarily to exhibit motion pictures to the public.

(3) (i) "Performing arts theater" means an area, a building, or a structure designed and used for plays, acts, dramas, or histrionics by actors or actresses performing on a stage.

(ii) "Performing arts theater" does not include:

1. a place where motion pictures are exhibited or shown; or

2. a building or amphitheater that is part of a sports complex regularly used by minors.

(b) There is a theater license.

(c) The Board may issue the license for use on the premises of:

(1) a performing arts theater; or

(2) a movie theater operated by a nonprofit organization.

(d) The license authorizes the license holder to sell beer and wine at retail for on–premises consumption when snacks are served.

(e) The license holder may sell beer and wine:

(1) 1 hour before and after a performance;

(2) during an intermission; and

(3) during a cast party and reception before and after a performance.

(f) The license may not be transferred to another location.

(g) The annual license fee is $100.

§25–1014.

(a) There is a veterans' organization or club license.

(b) The Board may issue the license for use by a local unit of a nationwide nonprofit organization composed only of members who served in the armed forces of the United States if the local unit:

(1) has a charter from a national veterans' organization and was operating in the county before the application for the license was made;

(2) has a membership of at least 200 individuals and dues of at least $5 per individual; and

(3) owns or operates a clubhouse that is principally for the use of its members and their guests when accompanied by members.

(c) The license authorizes the license holder to sell at retail beer, wine, or liquor to its members or guests accompanied by members for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 11 a.m. to 1 a.m. the following day; and

(2) on Sunday, from noon to 1 a.m. the following day.

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

§25–1101.

(a) Section 4–1103 ("Removal of partially consumed bottle of wine from licensed premises") of Division I of this article applies in the county without exception or variation.

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"), in addition to § 25–1102 of this subtitle;

(2) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 25–1103 of this subtitle;

(3) § 4–1105 ("Refillable container permit — Wine"), subject to § 25–1104 of this subtitle; and

(4) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 25–1104.1 of this subtitle.

§25–1102.

Section 4–1102 of this article also applies to an individual in a restaurant, club, or hotel for which a Class H license allowing the sale of wine is issued.

§25–1103.

(a) The Board may issue a refillable container permit for draft beer to a holder of:

(1) a Class B beer and wine license;

(2) a Class D beer and wine license;

(3) a Class BD–BWL license; or

(4) if the licensed premises is in Damascus (12th election district), in accordance with § 25–1603 of this title, a Class H beer and wine license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit begin and end at the same time as those for the underlying license.

(d) The permit may be renewed each year with the renewal of the underlying license.

(e) The Board shall issue the permit at no cost to the applicant.

§25–1104.

(a) The Board may issue a refillable container permit for wine to a holder of a license that entitles the holder to sell wine for off–premises consumption.

(b) The Board shall issue the permit at no cost to the applicant.

§25–1104.1.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of:

(1) a Class B beer and wine license;

(2) a Class D beer and wine license;

(3) a Class BD–BWL license; or

(4) if the licensed premises is in Damascus (12th election district), in accordance with § 25–1603 of this title, a Class H beer and wine license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit begin and end at the same time as those for the underlying license.

(d) The permit may be renewed each year with the renewal of the underlying license.

(e) The Board shall issue the permit at no cost to the applicant.

§25–1105.

(a) There is an organization supply license.

(b) The Board may issue the license to a corporation, a club, or any other organization that:

(1) is a country club under § 25–1007 of this title or an eleemosynary organization;

(2) is a local post, chapter, lodge, council, or branch of a national organization that has more than 300,000 members; and

(3) has more than 200 dues–paying members.

(c) The license allows the on–premises consumption of alcoholic beverages by a member or the member's guest if the alcoholic beverages are supplied by the member.

(d) The annual license fee is $300.

§25–1201.

(a) (1) There is a local caterer's license.

(2) The license is a separate alcoholic beverages license.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to a person that:

(i) does not already hold a license issued by the Board;

(ii) has facilities to prepare and deliver food to the site of a catered event; and

(iii) meets all other requirements of this article.

(2) Before the Board issues or renews the license, the county health department shall approve the food preparation facilities for a catered event.

(3) An applicant for or holder of the license is not required to have a banquet hall.

(c) The license authorizes a holder to:

(1) provide alcoholic beverages at an event that is held off the premises of the food preparation facilities; and

(2) exercise the privileges of the license only during the hours and on the days authorized for a Class B beer, wine, and liquor license.

(d) The license holder may not:

(1) hold an event that the license holder sponsors; or

(2) provide only alcoholic beverages at an event.

(e) The license holder shall:

(1) contract for and provide food for consumption at a catered event;

(2) meet the same ratio of gross receipts between food and alcoholic beverage sales as a holder of a Class B beer, wine, and liquor license; and

(3) purchase all alcoholic beverages from the Alcohol Beverage Services.

(f) The annual license fee is $1,250.

§25–1202.

(a) There is a catering extension.

(b) The Board may grant a catering extension to the holder of:

(1) a Class B restaurant or hotel (on–sale) beer, wine, and liquor license;

(2) a Class BD–BWL license;

(3) a Class B–K beer, wine, and liquor license; and

(4) a Class D beer, wine, and liquor license.

(c) The catering extension authorizes a holder to:

(1) provide alcoholic beverages at an event that is held off the premises for which:

(i) the holder's Class B restaurant or hotel (on–sale) beer, wine, and liquor license is issued; or

(ii) the holder's Class D beer, wine, and liquor license is issued; and

(2) exercise the privileges of the catering extension only during the hours and on the days authorized for:

(i) a Class B restaurant or hotel (on–sale) beer, wine, and liquor license;

(ii) a Class BD–BWL license;

(iii) a Class B–K beer, wine, and liquor license; or

(iv) a Class D beer, wine, and liquor license.

(d) The holder of a catering extension shall provide food for consumption at the catered event.

(e) This section does not require a holder of the following licenses to obtain a catering extension for catering on the premises for which the license is issued:

(1) a Class B restaurant or hotel (on–sale) beer, wine, and liquor license;

(2) a Class BD–BWL license;

(3) a Class B–K beer, wine, and liquor license; and

(4) a Class D beer, wine, and liquor license.

§25–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1206 ("License to dispose of stock");

(3) § 4–1207 ("Temporary move of licensed premises");

(4) § 4–1208 ("Hours and days of sale"); and

(5) § 4–1209 ("Wine permit for fund–raising event").

(b) Section 4–1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 25–1311 of this subtitle.

(c) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article apply in the county:

(1) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses"), subject to § 25–1302 of this subtitle; and

(2) § 4–1204 ("Class C per diem beer, wine, and liquor license"), subject to § 25–1302 of this subtitle.

§25–1302.

A holder of a Class C per diem beer license, a Class C per diem beer and wine license, or a Class C per diem beer, wine, and liquor license may purchase alcoholic beverages from:

(1) a County Alcohol Beverage Services warehouse;

(2) a dispensary;

(3) a manufacturer with a self–distribution license or permit under § 25–307 of this title; or

(4) a retail dealer licensed to sell alcoholic beverages for off–premises consumption.

§25–1304.

(a) (1) In this section the following words have the meanings indicated.

(2) "Festival" means the Montgomery County Beer, Wine, and Liquor Festival.

(3) "Festival organization" means a nonprofit organization that:

(i) is chosen by the county to organize the Festival; and

(ii) has extensive experience in organizing and managing large–scale public events.

(b) There is a Beer, Wine, and Liquor Festival license.

(c) The Board may issue the license to a holder of a retail license issued in the county, a Class 5 brewery license, a Class 6 pub–brewery license, a Class 7 micro–

brewery license, a State Class 8 farm brewery license, a Class 3 winery license, a Class 4 limited winery license, a Class 1 distillery license, or a Class 9 limited distillery license.

(d) (1) Subject to paragraphs (2) and (3) of this subsection, the license authorizes the license holder to display and sell beer, wine, or liquor that is distributed in the State.

(2) A person may not sell, offer for sale, or display beer, wine, or liquor at the Festival unless the person:

(i) holds a beer, wine, and liquor festival license; and

(ii) has contracted with a festival organization to display and sell beer, wine, or liquor at the Festival.

(e) A license holder shall display and sell beer, wine, or liquor:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the Festival.

(f) A festival organization shall:

(1) choose the weekends for the Festival;

(2) choose a location regardless of whether the location is already licensed; and

(3) ensure that the primary focus of the Festival is the promotion of Maryland beer, wine, or liquor.

(g) A festival organization may contract with a holder of a retail license issued in the county, a Class 5 brewery license, a Class 6 pub–brewery license, a Class 7 micro–brewery license, a State Class 8 farm brewery license, a Class 3 winery license, a Class 4 limited winery license, a Class 1 distillery license, or a Class 9 limited distillery license to sell and display beer, wine, or liquor at the Festival.

(h) A person may hold a beer, wine, and liquor festival license in addition to another license.

(i) (1) The license fee is $30 for each day of the Festival.

(2) License fees collected under this subsection shall be deposited into the general fund of the county.

(j) (1) The Board may deny a beer, wine, and liquor festival license to an applicant or suspend or revoke a beer, wine, and liquor festival license if the applicant or license holder violates a provision of this article or the regulations of the Board.

(2) Instead of or in addition to denying, suspending, or revoking a license under this subsection, the Board may impose on an applicant or license holder a fine not exceeding $20,000.

(k) The Board shall adopt regulations to carry out this section.

§25–1306.

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

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to a holder of a Class A license to hold tastings of beer or wine.

(2) A license holder of a Class A wine license may use the license to hold tastings of wine only.

(c) The license authorizes the holder to allow tasting of beer or wine on the premises of the license holder only.

(d) (1) A license application shall be made on a form that the Board supplies.

(2) The Board may not require the publication of a license application before issuing the license.

(3) The license may be issued without a public hearing.

(4) If an initial license application is denied, the applicant may request a public hearing before the Board.

(5) A renewal of the BWT license may be made when the Class A license of the license holder is renewed.

(e) A license holder shall notify the Board in writing at least 7 days before each tasting event.

(f) A license holder may allow the consumption by an individual for tasting in a quantity of not more than:

(1) 1 ounce from each offering of wine;

(2) 4 ounces from all offerings of wine in a day;

(3) 3 ounces from each offering of beer; and

(4) 12 ounces from all offerings of beer in a day.

(g) Once opened, a bottle used for beer or wine tasting shall be marked that it is to be used for that purpose only.

(h) The annual license fee is $200.

§25–1307.

(a) There is a beer and wine tasting (BWT) license in the Town of Kensington.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to a holder of a Class A license issued under § 25–1604(c) of this title to hold tastings of beer or wine.

(2) A license holder of a Class A wine license may use the license to hold tastings of wine only.

(c) The license authorizes the holder to allow tasting of beer or wine on the premises of the license holder only.

(d) (1) A license application shall be made on a form that the Board supplies.

(2) The Board may not require the publication of a license application before issuing the license.

(3) The license may be issued without a public hearing.

(4) If an initial license application is denied, the applicant may request a public hearing before the Board.

(5) A renewal of the license may be made when the Class A license of the license holder is renewed.

(e) A license holder shall notify the Board in writing at least 7 days before each tasting event.

(f) A license holder may allow the consumption by an individual for tasting in a quantity of not more than:

(1) 1 ounce from each offering of wine;

(2) 4 ounces from all offerings of wine in a day;

(3) 3 ounces from each offering of beer; and

(4) 12 ounces from all offerings of beer in a day.

(g) Once opened, a bottle used for beer or wine tasting shall be marked that it is to be used for that purpose only.

(h) The annual license fee is $200.

§25–1310.

The Board may issue a Class C per diem beer license, beer and wine license, or beer, wine, and liquor license to a community swimming pool club.

§25–1311.

The license fees are:

(1) $30 per day for a Class C per diem beer license or a Class C per diem beer and wine license; and

(2) $60 per day for a Class C per diem beer, wine, and liquor license.

§25–1312.

(a) There is a basket of cheer permit.

(b) The Board shall grant the permit at no cost to a holder of a Class C per diem beer and wine license or a Class C per diem beer, wine, and liquor license.

(c) The permit authorizes the permit holder to provide as a prize at a benefit performance a basket of cheer, consisting of:

(1) for a holder of a Class C per diem beer and wine license, not more than:

(i) 288 ounces of beer; and

(ii) 2.25 liters of wine; and

(2) for a holder of a Class C per diem beer, wine, and liquor license, not more than:

(i) 288 ounces of beer;

(ii) 2.25 liters of wine; and

(iii) 2.25 liters of liquor.

(d) The alcoholic beverages contained in a basket of cheer shall be for off–premises consumption.

§25–1401.

(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) § 4–106 ("Payment of notice expenses");

(3) § 4–108 ("Application form required by Comptroller");

(4) § 4–112 ("Disposition of license fees"); and

(5) § 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 do not apply in the county:

(1) § 4–103 ("Application on behalf of partnership"), which is superseded by § 25–1404 of this subtitle;

(2) § 4–104 ("Application on behalf of corporation or club"), which is superseded by § 25–1405 of this subtitle;

(3) § 4–105 ("Application on behalf of limited liability company"), which is superseded by § 25–1406 of this subtitle;

(4) § 4–110 ("Required information on application — Petition of support"); and

(5) § 4–111 ("Payment of license fees"), which is superseded by § 25–1410 of this subtitle.

(c) 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 §§ 25–1402 and 25–1403 of this subtitle;

(2) § 4–109 ("Required information on application — In general"), subject to §§ 25–1408 and 25–1409 of this subtitle; and

(3) § 4–113 ("Refund of license fees"), subject to § 25–1411 of this subtitle.

§25–1402.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository and the county police.

§25–1403.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of the application process.

§25–1404.

(a) (1) Except as provided in subsection (b) of this section, an application for a license on behalf of a partnership shall be made by and the license issued to at least two general partners as individuals.

(2) When an application for a partnership is filed, at least one of the general partners who applies is required to reside in the State.

(b) An application for a license shall be made by and the license issued to one general partner as an individual if:

(1) the partnership has only one general partner; and

(2) the general partner resides in the State at the time of application.

§25–1405.

(a) (1) Except as provided in paragraph (2) of this subsection, a license on behalf of a corporation or club shall be applied for and issued to three officers of the corporation or club, as individuals.

(2) If a corporation or club has fewer than three officers, each officer shall apply for a license.

(b) An officer who is a resident of the State at the time the application is filed meets the residency requirements under § 4–104 of this article.

§25–1406.

(a) Except as provided in subsection (b) of this section, a license on behalf of a limited liability company shall be applied for by and issued to three authorized persons of the limited liability company, as individuals.

(b) (1) If a limited liability company has fewer than three authorized persons, each authorized person shall apply for a license.

(2) An individual who is a resident of the State at the time the application is filed meets the residency requirements under § 4–105 of this article.

§25–1408.

An applicant who is the lessee of the entire building in which the business is to be conducted for the entire term of the license need not include in the application a statement and acknowledgment by the owner assenting to the license and authorizing a warrantless search of the premises at any time.

§25–1409.

(a) This section does not apply to an application for a temporary license issued in accordance with Subtitle 13 of this title.

(b) (1) Subject to paragraph (2) of this subsection, an applicant shall submit with the application clear and recent photographs and copies of the fingerprints of the applicant and of the person who will be actively in charge of the business to be conducted under the license.

(2) A photograph submitted under paragraph (1) of this subsection may be a copy of a government–issued photograph.

§25–1410.

The Board shall collect the license fees.

§25–1411.

If a license holder voluntarily surrenders the license at least 6 months before the license expiration date, the license holder is entitled to a refund of the unearned portion of the license fee.

§25–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–209 ("Hearing");

(5) § 4–210 ("Approval or denial of license application");

(6) § 4–211 ("License forms; effective date; expiration");

(7) § 4–212 ("License not property"); and

(8) § 4–213 ("Replacement licenses").

(b) Section 4–214 ("Waiting periods after denial of license applications") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to § 25–1502 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 25–1503 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 25–1503 of this subtitle and Subtitle 13, Part III of this title; and

(4) § 4–208 ("Notice of license application required"), subject to § 25–1506 of this subtitle.

§25–1502.

(a) (1) When acting on a license application, the Board shall issue a written decision that contains:

(i) a detailed statement of the grounds and findings that support the decision; and

(ii) the vote of each member of the Board on the decision.

(2) The Board shall forward a copy of the written decision in a manner that the Board determines to the applicant and each person who requests a copy.

(3) If the application is denied, the Board shall inform the applicant in writing of the procedures for judicial review.

(b) The Board shall make a decision on a license application based on the evidence of record.

(c) The Board shall adopt rules of procedure, subject to the approval of the County Council.

§25–1503.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) (i) the licenses are Class H beer and wine licenses; and

(ii) each premises is a restaurant in a bowling establishment that has at least 30 lanes with automatic pinsetters; or

(2) the licenses are Class BD–BWL licenses.

§25–1504.

(a) Subject to subsection (b) of this section, the Board may issue a Class B beer, wine, and liquor license to a license holder for a different part of the same premises or building in which an establishment with a Class C beer, wine, and liquor license is located.

(b) (1) Except as provided in paragraph (2) of this subsection, a license holder shall meet all requirements of the respective licenses.

(2) The term "financial interest" as used in § 4–109(a)(11) of this article does not apply to an applicant who is the owner of an interest in real property leased for another place of business where or for which a license has been applied for or issued.

§25–1505.

(a) Subject to subsection (b) of this section, the Board may issue an alcoholic beverages license that the Board previously issued for premises on which a lawful nonconforming use exists.

(b) The Board may not issue a license that is less restrictive than any license that the Board previously issued for the premises.

§25–1506.

(a) (1) The Board may fulfill the notice requirement under § 4–208 of this article by posting online a completed application at least 14 days before the hearing date.

(2) In addition to the newspaper notice required under § 4–208 of this article or the online notice required under paragraph (1) of this subsection, the Board shall post a suitable notice in a conspicuous place on the location described in the application for at least 30 days before the application hearing.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location of the application hearing.

§25–1601.

(a) This section does not apply to:

(1) a country club; or

(2) a restaurant in the country inn zone of the county where alcoholic beverages are sold only for on–premises consumption.

(b) The Board may not issue a license for an establishment in:

(1) Barnesville, except as provided in § 25–1602 of this subtitle;

(2) Damascus (12th election district), except as provided in § 25–1603 of this subtitle;

(3) Kensington, except as provided in § 25–1604 of this subtitle;

(4) Laytonsville, except as provided in § 25–1605 of this subtitle;

(5) Takoma Park, except as provided in § 25–1607 of this subtitle; or

(6) Washington Grove.

(c) This section does not prohibit the issuance of a license with an on–sale privilege for the sale of:

(1) beer during daylight hours for a restaurant, snack bar, or similar facility on land owned by the Montgomery County Revenue Authority and operated in connection with a public golf course; or

(2) beer and wine for a restaurant on land owned by the Montgomery County Revenue Authority and operated in connection with an airport.

§25–1602.

In Barnesville, the Board may issue a 7–day on–sale beer, wine, and liquor license to a religious, fraternal, civic, or charitable organization.

§25–1603.

(a) This section applies only to Damascus (12th election district).

(b) The Board may issue a Class B beer, wine, and liquor license.

(c) The Board may issue a 7–day Class C (on–sale) beer, wine, and liquor license to a volunteer fire department.

(d) (1) Subject to paragraph (2) of this subsection:

(i) the Board may issue Class H beer and wine, hotel and restaurant licenses; and

(ii) the licenses may be renewed or transferred.

(2) A license may be issued, transferred, or renewed if:

(i) pool tables, billiard tables, shuffleboards, dart boards, video games, pinball machines, or recreational devices are not used in the licensed premises; and

(ii) except for beer in containers sold for off–premises consumption as authorized under subsection (e) of this section, alcoholic beverages served by the license holder are consumed by customers while the customers are seated.

(e) The Board may issue to the holder of a Class H beer and wine license:

(1) a refillable container permit for draft beer under § 25–1103 of this title; or

(2) a nonrefillable container permit for draft beer under § 25–1104.1 of this title.

§25–1604.

(a) This section applies only to Kensington.

(b) Except as otherwise provided in this section, the Board may issue, renew, approve the transfer of, and otherwise provide for:

(1) a 2–day on–sale beer and wine license or a 2–day on–sale beer, wine, and liquor license to a person holding an event between the hours of 10 a.m. to 10:30 p.m. for which the town has issued a permit on property owned or controlled by the town or on private commercially zoned property;

(2) beer and wine tasting (BWT) licenses, as provided in § 25–1306 of this title;

(3) in accordance with subsection (c) of this section, a Class A–K beer and wine license that authorizes the license holder to sell beer or wine for off–premises consumption;

(4) a Class B–K beer and wine license that authorizes the license holder to sell beer or wine at a hotel or restaurant, at the place described in the license, for on– and off–premises consumption;

(5) a Class B–K beer, wine, and liquor license that authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant, at the place described in the license for on– and off–premises consumption;

(6) in accordance with § 25–903 of this title, a Class BD–BWL beer, wine, and liquor license;

(7) a Class C beer and wine license that authorizes the license holder to sell beer and wine, at the place described in the license, to members of a private social club and guests of members, for on–premises consumption;

(8) a Class D–K beer license that authorizes the license holder to sell beer, at the place described in the license, for on– and off–premises consumption;

(9) a Class D–K beer and wine license that authorizes the license holder to sell beer and wine, at the place described in the license, for on– and off–premises consumption;

(10) a Class H beer and wine license that authorizes the license holder to sell beer and wine at a hotel or restaurant, at the place described in the license, for on–premises consumption;

(11) in accordance with § 4–1102 of this article, the consumption of wine not purchased from the license holder on a licensed premises;

(12) in accordance with § 4–1103 of this article, the removal of a partially consumed bottle of wine from a licensed premises;

(13) in accordance with § 25–1002 of this title, a beauty salon license;

(14) in accordance with § 25–1005 of this title, a continuing care retirement community license;

(15) in accordance with § 25–1007 of this title, a country club license;

(16) in accordance with § 25–1009 of this title, a fraternal/sororal/service organization license;

(17) in accordance with § 25–1014 of this title, a veterans' organization or club license;

(18) in accordance with § 25–1103 of this title, a refillable container permit for draft beer for a Class D–K license; and

(19) in accordance with § 25–1104 of this title, a refillable container permit for wine for a Class D–K license.

(c) (1) Subject to paragraph (2) of this subsection, the Board may issue, in aggregate, not more than 20 Class A–K (off–sale) beer and wine licenses.

(2) The Board, by majority vote, may issue one additional Class A–K beer and wine license if there is:

(i) a public hearing before the town council; and

(ii) a subsequent request made by the town council.

(3) A Class A–K beer and wine license holder may sell beer and wine for off–premises consumption Monday through Sunday, from 10 a.m. to 10 p.m.

(d) (1) A Class 9 limited distillery license may be issued to a Class B–K beer, wine, and liquor license holder.

(2) Not more than four Class 9 limited distillery licenses, in aggregate, may be issued.

(e) The annual license fee for each class of license is equal to the fee required by the county for a comparable license.

(f) The holder of a Class B–K beer and wine license, a Class B–K beer, wine, and liquor license, or a Class H beer and wine license shall maintain average daily receipts from the sale of food, not including carryout food, of at least 40% of the overall average daily receipts.

(g) The Board may issue, in aggregate, not more than 20 licenses from among the following types:

(1) a Class B–K beer and wine license;

(2) a Class B–K beer, wine, and liquor license;

(3) a Class BD–BWL license;

(4) a Class C beer and wine license;

(5) a Class D–K beer license;

(6) a Class D–K beer and wine license; and

(7) a Class H beer and wine license.

(h) A license holder whose licensed premises is located in the Town of Kensington may not, on a front, rear, side, door, or window of the building of the licensed premises, place a sign or other display that advertises alcoholic beverages in a publicly visible location.

§25–1605.

(a) This section applies only to Laytonsville.

(b) (1) Subject to subsection (c) of this section, the Board may issue not more than two licenses.

(2) The licenses authorized under paragraph (1) of this subsection may be any combination of Class B (on–sale) beer, wine, and liquor licenses and Class H (on–sale) beer and wine, hotel and restaurant licenses.

(c) A license may be issued, renewed, or transferred if alcoholic beverages served by the license holder are consumed by customers while the customers are seated.

§25–1606.

(a) (1) The Commissioners of Poolesville may submit to the voters the question of whether the sale of alcoholic beverages or the issuance of a class of license for the sale of alcoholic beverages should be prohibited in Poolesville.

(2) The question or a similar question may be submitted to the voters at a regular election or a special election called for that purpose.

(3) Submission of a question at one election does not prevent the submission of the same or another question at a subsequent election.

(b) (1) If a majority of the votes cast on the question favor allowing the sale of alcoholic beverages or issuance of a class of license, the sale or the issuance will continue if allowed at the time of the election or, if not previously allowed, will be allowed following the election.

(2) If a majority of the votes cast on the question favor prohibiting the sale of alcoholic beverages or issuance of any class of license:

(i) a license of the class or for the sale of the class of alcoholic beverages may not be issued, renewed, or extended; but

(ii) a license issued previously may continue in force until the date of expiration but may not be renewed or extended.

§25–1607.

(a) The Board may issue, renew, approve the transfer of, and otherwise provide for the following licenses in Takoma Park:

(1) Class B (on– and off–sale) beer and wine, hotel and restaurant licenses;

(2) Class H (on–sale) beer and wine, hotel and restaurant licenses;

(3) Class B (on–sale) beer, wine, and liquor, hotel and restaurant licenses;

(4) Class H (on–sale) beer licenses;

(5) Class D (on– and off–sale) beer and wine licenses;

(6) Class A–TP (off–sale) beer, wine, and liquor licenses;

(7) Class C (on–sale) beer, wine, and liquor licenses;

(8) beer and wine tasting (BWT) licenses; and

(9) Class BD–BWL licenses.

(b) (1) This subsection applies only to Class –TP type licenses that were issued by the Board on July 1, 1997, after certification by the Prince George's County Board of License Commissioners.

(2) Unless revoked or not renewed for good cause, the certified licenses shall continue in existence and be renewed, subject to payment of the annual license fee.

(3) A Class –TP type license is not transferable to another location but is transferable to another person, subject to the restrictions on similar transfers for other licenses in the county.

(4) (i) A Class –TP type license is subject to the same conditions and restrictions specified by law or by the Board as are other licenses issued by the Board.

(ii) The Board may waive whatever statutory and regulatory provision that the Board chooses for the affected licenses so that equity, fairness, and reasonableness are achieved.

(c) (1) Notwithstanding that holders of Class –TP type licenses as of July 1, 1997, are subject to county laws and regulations, those same license holders may retain the particular Prince George's County alcoholic beverages license they possessed before unification.

(2) (i) The Prince George's County license shall remain valid except that the license does not apply to the licensed premises to which the Class –TP type license applies, but is an open–location license.

(ii) The Prince George's County license holder may transfer, to another person or to a new location with the same license holder, the license into Prince George's County without statutory or regulatory restriction.

§25–1609.

(a) The Board may not issue:

(1) a Class H beer and wine license:

(i) for use in conjunction with, on the site of, or to a restaurant in a drugstore; or

(ii) for use in an establishment with a door, an archway, an opening, or other passageway providing direct public access to a drugstore; or

(2) a Class D license:

(i) for use in conjunction with, on the site of, or to a bowling alley, billiard hall, or drugstore;

(ii) for use in an establishment with a door, an archway, an opening, or other passageway providing direct public access to a bowling alley, billiard hall, or drugstore; or

(iii) for use in conjunction with, on the site of, or to a restaurant in a bowling alley, billiard hall, or drugstore.

(b) This section does not apply to a drugstore or adjoining establishment that on July 1, 1969:

(1) held a Class D license; and

(2) had a door, an archway, an opening, or other passageway providing direct public access to any drugstore.

§25–1610.

(a) Except as provided in subsection (b) of this section, the Board may not issue a license for use in an establishment that sells motor vehicle fuel to motorists from a fuel pump on the site.

(b) The Board may renew a license that has been issued for use in an establishment that sells motor vehicle fuel to motorists from a fuel pump located on the site if the license was in effect on January 1, 1989.

§25–1611.

(a) This section does not apply to a premises for which the Board issues a license under Subtitle 13 of this title.

(b) The Board shall adopt regulations to require at least quarterly inspections of a licensed premises during the initial license year and periodic inspections thereafter.

§25–1612.

§25–1613.

Sections 25–1614 and 25–1615 of this subtitle apply only to a holder of a Class B beer, wine, and liquor on–sale license.

§25–1614.

(a) Except as provided in § 25–1615 of this subtitle, the Board may not authorize the same license holder to hold more than 10 licenses.

(b) The 10 licenses that may be held by the same license holder:

(1) may include:

(i) one or more Class H–BW licenses; and

(ii) one or more Class B–K licenses; and

(2) may not include more than two Class BD–BWL licenses.

§25–1615.

(a) The Board may issue additional Class B beer, wine, and liquor (on–sale) licenses to a license holder for premises operated as a hotel.

(b) (1) An applicant for an additional Class B beer, wine, and liquor (on–sale) license under this section shall:

(i) have a minimum restaurant seating capacity of 100 individuals; and

(ii) except as provided in paragraph (2) of this subsection, meet the hotel requirements set forth in § 25–904 of this title.

(2) If the capital investment in the hotel exceeds $3,000,000, the building height and elevator requirements required by § 25–904(b)(1) of this title do not apply.

§25–1616.

(a) The Board may issue no more than three special culinary school licenses to a single culinary school.

(b) Each license issued under subsection (a) of this section shall be for a separate location.

§25–1701.

Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article applies in the county without exception or variation.

§25–1702.

(a) Before an application for a transfer of a license is granted, the Board shall:

(1) schedule a public hearing; and

(2) cause the posting of a suitable notice of the hearing in a conspicuous place on the premises described in the application.

(b) The notice required under subsection (a) of this section shall:

(1) specify the class of license subject to the application and the time, date, and place for the hearing; and

(2) remain posted for at least 30 days before the hearing.

§25–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–406 ("Protests");

(4) § 4–407 ("Denial of renewal application");

(5) § 4–408 ("Issuance of renewed licenses");

(6) § 4–409 ("Multiple licenses"); and

(7) § 4–410 ("Chain store, supermarket, or discount house").

(b) Section 4–404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 25–1802 of this subtitle.

(c) Section 4–405 ("Contents of renewal application") of Division I of this article applies in the county, subject to §§ 25–1803 and 25–1805 of this subtitle.

§25–1802.

(a) To renew a license, a license holder annually shall file an application with the Board between February 1 and March 31, inclusive.

(b) The Board may:

(1) accept late applications during April; and

(2) fine the license holder an amount not exceeding $50 for each day the application is late.

§25–1803.

A license renewal application shall:

(1) meet the photograph and fingerprint requirements of § 25–1409 of this title; and

(2) be accompanied by a sworn statement by the license holder that the gross receipts from food sales in the restaurant or hotel for the 12–month period immediately before the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages.

§25–1804.

The requirement for a criminal history records check under § 4–107 of this article applies to an applicant for license renewal.

§25–1805.

A license holder may renew the license without obtaining a consent statement from the owner of the building that contains the licensed premises if the license holder has a lease on the entire building for at least the term of the renewed license.

§25–1806.

(a) Subject to subsection (b) of this section, the Board may renew a license that the Board previously issued for premises on which a lawful nonconforming use exists.

(b) The Board may not renew a license that is less restrictive than any license that the Board previously issued for the premises.

§25–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age"); and

(4) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 25–1904 of this subtitle;

(2) § 4–505 ("Alcohol awareness program"), subject to §§ 25–1902 and 25–1903 of this subtitle; and

(3) § 4–507 ("Retail delivery of alcoholic beverages"), subject to § 25–1904 of this subtitle.

§25–1902.

The alcohol awareness program described in § 4–505 of this article applies to a holder of a caterer's license issued under § 25–1202 of this title.

§25–1903.

(a) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall be:

(1) certified by an approved alcohol awareness program; and

(2) present on the licensed premises during the hours in which alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or a suspension or revocation of the license or both.

§25–1904.

(a) In addition to being employed in the sale of beer and wine in accordance with § 4–504(b) of this article, an individual at least 18 years old and under the age of 21 years may be employed in the sale of liquor.

(b) A license holder may not make an off–site retail delivery of alcoholic beverages unless:

(1) the deliverer is at least 18 years old; and

(2) the individual taking possession of the delivery provides the deliverer with written certification that is:

(i) in the form described under § 4–506 of this article; and

(ii) supported by documentary proof that the individual is of legal age to purchase alcoholic beverages.

(c) (1) Each certification executed under this section shall be retained by the license holder for at least 1 year.

(2) A certification shall be available for examination during regular business hours by an authorized representative of the Board.

(d) The Board shall adopt regulations to carry out this section.

§25–1905.

A license holder may sell only alcoholic beverages purchased from the Alcohol Beverage Services for the county if the holder's license is:

(1) a Class A, Class B, Class H, Class C, or Class D beer license;

(2) a Class B, Class C, or Class D beer and wine license; or

(3) a Class A–TP, Class B, or Class C beer, wine, and liquor license.

§25–2001.

(a) (1) Unless otherwise provided in this title, an individual may consume alcoholic beverages in a premises licensed under this title only during the hours of sale permitted under the license of the premises.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(3) A license holder shall remove all containers of alcoholic beverages from the tables and bar service area in the licensed premises at the end of the license holder's permitted hours of sale.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§25–2002.

(a) A holder of a Class A beer license may sell beer on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(b) A holder of a Class B beer license may sell beer on Monday through Sunday:

(1) for on–premises consumption, from 9 a.m. to 2 a.m. the following day; and

(2) for off–premises consumption, from 6 a.m. to 1 a.m. the following day.

(c) A holder of a Class C beer license may sell beer on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer license may sell beer on Monday through Sunday:

(1) for on–premises consumption, from 9 a.m. to 2 a.m. the following day; and

(2) for off–premises consumption, from 6 a.m. to 1 a.m. the following day.

(e) A holder of a Class H beer license may sell beer on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

§25–2003.

A holder of a Class A wine license may sell wine Monday through Sunday, from 10 a.m. to 1 a.m. the following day.

§25–2004.

(a) A holder of a Class A beer and wine license may sell beer and wine Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

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

(1) for on–premises consumption, on Monday through Sunday, from 9 a.m. to 2 a.m. the following day; and

(2) for off–premises consumption, on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(c) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B–K beer and wine license may sell beer and wine on Monday through Sunday, from 9 a.m. to 1 a.m. the following day.

(2) The license holder may not sell beer or wine after midnight if the licensed establishment is in a commercial area specified in § 25–1604(b)(1)(ii)9 through 13 of this title.

(d) A holder of a Class C beer and wine license may sell beer and wine on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

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

(1) for on–premises consumption, on Monday through Sunday, from 9 a.m. to 2 a.m. the following day; and

(2) for off–premises consumption, on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(f) A holder of a Class H beer and wine license may sell beer and wine for on–premises consumption on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

§25–2005.

(a) Reserved.

(b) A holder of a Class A–TP beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(c) (1) Subject to paragraph (2) of this subsection, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Thursday, from 9 a.m. to 2 a.m. the following day;

(ii) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day; and

(iii) on Sunday:

1. from 9 a.m. to 2 a.m. the following day; or

2. from 9 a.m. to 3 a.m. the following day if the federal government has designated the following day as a public holiday.

(2) The license holder shall sell or make available food for consumption on the premises during the hours that alcoholic beverages are permitted to be served.

(d) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B–K beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 9 a.m. to 1 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor after 11 p.m. if the licensed establishment is in a commercial area specified in § 25–1604(b)(1)(ii)9 through 13 of this title.

(e) (1) Subject to paragraph (2) of this subsection, a holder of a Class B–BWL (H–M) beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Thursday, from 9 a.m. to 2 a.m. the following day;

(ii) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day; and

(iii) on Sunday:

1. from 9 a.m. to 2 a.m. the following day; or

2. from 9 a.m. to 3 a.m. the following day if the federal government has designated the following day as a public holiday.

(2) The license holder shall sell or make available food for consumption on the premises during the hours that alcoholic beverages are permitted to be served.

(f) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(g) A holder of a Class C consumption license may allow the on–premises consumption by a member of a corporation, club, or country club from 11 a.m. to 1 a.m. the following day.

§25–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–603 ("Revocation and suspension procedures"); and

(3) § 4–604 ("Grounds for revocation or suspension").

(b) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article do not apply in the county:

(1) § 4–605 ("Nudity and sexual displays"); and

(2) § 4–606 ("Effects of revocation"), which is superseded by § 25–2102 of this subtitle.

§25–2102.

If a license is revoked, the Board may issue a license for the same premises to a person other than the former license holder in the same manner as the Board considers an application for a new license.

§25–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§25–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

§25–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§25–2402.

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

§25–2501.

A location under the control or possession of an establishment may not:

(1) sell or serve alcoholic beverages to a member or guest;

(2) keep alcoholic beverages for a member or guest;

(3) allow a customer to consume or to be served or given alcoholic beverages from the supplies that the customer has previously purchased or reserved; or

(4) sell, serve, keep, or allow to be consumed setups or other component parts of mixed alcoholic drinks to a member or guest.

§25–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§25–2601.

Title 6, Subtitle 2 ("Enforcement") of Division I of this article applies in the county without exception or variation.

§25–2602.

An inspector who investigates a license violation may issue a civil citation as provided in § 10–119 of the Criminal Law Article.

§25–2603.

(a) (1) If a person is charged with violating § 25–2708 of this title or with selling or providing alcoholic beverages to an individual who is under the age of 21 years or visibly under the influence of alcoholic beverages, in violation of § 6–304 or § 6–307 of this article, a search warrant to be directed by the chief of police shall be issued for the building or vehicle in which the violation allegedly occurred.

(2) A search warrant under this section may be issued by:

(i) the District Court on request of a person who charges before the District Court that a violation has occurred; or

(ii) the circuit court, on request of a grand jury.

(3) If a violation is found, the chief of police shall keep as evidence:

(i) all liquor found in quantities and under conditions to indicate that it is kept for barter, sale, or gift to an individual under the age of 21 years;

(ii) the materials and instrumentalities for manufacturing, dispensing, transporting, or otherwise disposing of the liquor; and

(iii) the paraphernalia of a barroom or saloon.

(b) (1) The chief of police shall report the facts of the violation in writing to the State's Attorney for the county.

(2) Any alcoholic beverages or the materials and instrumentalities for manufacturing, transporting, dispensing, or otherwise disposing of alcoholic beverages or the paraphernalia of a barroom or saloon is prima facie evidence of the violation of § 25–2708 of this subtitle or § 6–304, § 6–307, or § 6–309 of this article.

§25–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 ("Maximum alcohol content");

(12) § 6–317 ("Multiple serving purchase required");

(13) § 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder");

(14) § 6–320 ("Disorderly intoxication");

(15) § 6–321 ("Consumption of alcoholic beverages in public");

(16) § 6–323 ("Possession or use of Alcohol Without Liquid machine");

(17) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");

(18) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");

(19) § 6–328 ("Tax evasion");

(20) § 6–329 ("Destruction of evidence"); and

(21) § 6–330 ("Perjury").

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 25–2702 of this subtitle;

(2) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 25–2703 of this subtitle; and

(3) § 6–322 ("Possession of open container"), subject to § 25–2704 of this subtitle.

§25–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§25–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§25–2704.

An individual may possess an alcoholic beverage in an open container on private property described under § 6–322(a)(1) of this article only if the individual possesses and presents the consent of the owner of the property.

§25–2705.

(a) In this section, "knowingly" means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§25–2706.

A person engaged in the manufacture or sale of alcoholic beverages, an agent or an employee of the person, and a license holder may not, directly or indirectly, offer or make a payment or gift to:

(1) a member of the Board;

(2) a county employee; or

(3) anyone on behalf of the member of the Board or county employee.

§25–2709.

(a) Except as specifically authorized or provided in this article and except as provided in subsection (b) of this section, in a licensed establishment or other licensed premises that is open to the public:

(1) a person may not sell or provide alcoholic beverages; and

(2) alcoholic beverages may not be consumed.

(b) Subsection (a) of this section does not apply in the room of a registered guest in a hotel that meets the minimum requirements under § 25–904 of this title.

§25–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§25–2802.

(a) In lieu of suspending or revoking a license for any cause for which license suspension or revocation is not required, the Board may impose a fine not exceeding $20,000 for each case, if:

(1) the Board determines that the public welfare and morals would not be impaired by allowing the license holder to operate during the suspension period; and

(2) the payment of the fine will achieve the desired disciplinary purposes.

(b) Fines collected under this subsection shall be paid into the general fund of the county.

(c) (1) When imposing a fine on a license holder or suspending or revoking a license, the Board shall adopt a written resolution containing:

(i) a statement of the facts and findings forming the basis for the decision;

(ii) the vote of each member of the Board on the decision; and

(iii) information as to the procedures for appealing the decision.

(2) A copy of the resolution shall be mailed or hand delivered to the license holder.

(d) The Board shall adopt regulations to carry out this section.

§26–101.

(a) In this title:

(1) 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 Prince George's County.

(c) "County" means Prince George's County.

(d) "Light wine" means wine that contains not more than 15.5% of alcohol by volume.

(e) "Taxpayer" means a resident who pays real estate or income tax to the county.

§26–102.

This title applies only in Prince George's County.

§26–103.

(a) In this section, "identification number" means the identifying number:

(1) on the purchaser's driver's license;

(2) if the purchaser is a resident of the State, on the purchaser's identification card as provided for in the Transportation Article;

(3) if the purchaser is not a resident of the State, on the purchaser's identification card that is issued by the purchaser's home state or jurisdiction; or

(4) on a United States military identification card.

(b) Section 5–303 ("Keg registration") of Division I of this article applies in the county, subject to subsection (c) of this section.

(c) (1) The keg license holder shall complete a registration form with:

(i) the purchaser's name;

(ii) the date of purchase; and

(iii) the purchaser's address as shown on the identification produced or, if the individual provides a United States military identification card as identification, the address that the purchaser provides.

(2) The purchaser shall sign the completed registration form.

(3) The keg license holder shall record on the copy of the registration form retained by the keg license holder the purchaser's identification number and the date that the purchaser's identification was issued.

§26–104.

Notwithstanding § 1–203 of this article, a municipality may require a license holder for a place of business in the municipality to pay to the municipality an additional annual license fee not exceeding 20% of the fee payable under this article.

§26–105.

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§26–201.

There is a Board of License Commissioners for Prince George's County.

§26–202.

(a) (1) The County Executive shall appoint five members to the Board subject to confirmation by the Senate.

(2) (i) Within 60 days after nomination by the County Executive and not less than 7 days before a confirmation vote on a nominee is scheduled, the Prince George's County Senate Delegation shall hold a public confirmation hearing for an individual nominated to the Board.

(ii) If a candidate is nominated for the Board and is not confirmed by the Senate during the following session:

1. the seat shall be declared vacant; and

2. the County Executive shall nominate an individual to fill the vacancy.

(iii) A candidate who is not confirmed by the Senate may be renominated by the County Executive and confirmed by the Senate only during the following session.

(b) (1) A member shall be:

(i) a resident and voter of the county; and

(ii) a person of high character and integrity.

(2) Each member of the Board shall have:

(i) legal experience;

(ii) public safety experience;

(iii) regulatory experience; or

(iv) management experience.

(3) When evaluating an applicant for membership on the Board, the County Executive shall consider the need for geographic, political, racial, ethnic, and gender diversity on the Board.

(c) (1) In this subsection, "direct or indirect interest" means an interest that is proprietary or obtained by a loan, mortgage, or lien, or in any other manner.

(2) A member of the Board may not:

(i) have a direct or indirect interest in or on a premises in the State where alcoholic beverages are manufactured or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture or sale of alcoholic beverages in the State;

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises in the State where alcoholic beverages are manufactured or sold; or

2. a business wholly or partly devoted to the manufacture or sale of alcoholic beverages in the State;

(iv) solicit or receive a commission, remuneration, or gift from:

1. a person engaged in the manufacture or sale of alcoholic beverages or an agent or employee of the person; or

2. a license holder;

(v) solicit or receive, directly or indirectly or on behalf of another person, a commission, political contribution, remuneration, or gift from a person engaged in the manufacture, distribution, or sale of alcoholic beverages or an agent or employee of the person; or

(vi) solicit or receive, directly or indirectly, a commission, remuneration, or gift from a license holder.

(d) (1) In this subsection, "candidate", "contribution", and "political committee" have the meanings stated in § 1–101 of the Election Law Article.

(2) A member of the Board may not solicit or transmit a contribution for the benefit of a candidate or political committee from:

(i) a person engaged in the sale of alcoholic beverages in the county or an agent or employee of the person; or

(ii) a license holder.

(e) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(3) A member may not be appointed to more than three terms.

(f) (1) The County Executive shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(3) An appointment made to fill a vacancy is subject to a confirmation hearing by the Senate under subsection (a) of this section.

(g) (1) The County Executive may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The County Executive shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the County Executive shall file with the Office of the Secretary of State a statement of charges against the member and the County Executive's findings on the charges.

(h) (1) If a member of the Board stops residing in or being a registered voter of the county, the member shall immediately forfeit the office as a license commissioner for the county.

(2) (i) A member of the Board may not serve in any other position of public office.

(ii) On filing a certificate of candidacy for election to a public office or within 30 days before the filing deadline for the primary election for the public office sought, whichever occurs later, a member of the Board shall certify to the County Board of Elections under oath that the individual is no longer a member of the Board.

(iii) The certification shall be accompanied by a letter addressed to the County Executive containing the resignation of the member from the Board.

§26–203.

In making the appointments, the County Executive shall designate a chair from among the members of the Board.

§26–204.

(a) The Board shall meet at least twice each month.

(b) (1) (i) The chair of the Board shall receive a salary of $22,000 annually.

(ii) Each other member of the Board shall receive a salary of $20,000 annually.

(2) The chair and each other member of the Board are eligible for:

(i) all county health benefits; and

(ii) membership in and retirement benefits of the State Retirement and Pension System.

(3) The health benefits under paragraph (2)(i) of this subsection include hospitalization, vision care, prescriptions, dental care, life insurance, and expense reimbursement.

§26–205.

(a) Subject to this section and § 26–206 of this subtitle, the director may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees in accordance with the county's classification plan.

(b) (1) The Board shall appoint a director.

(2) The director shall serve at the will of the Board and devote full time to the duties of the Board.

(3) The director may receive a salary as determined by the County Executive and as provided in the county budget.

(4) The director is eligible to participate in the county's supplemental retirement plan.

(5) The director shall follow the requirements of Subtitle 16 of the Prince George's County Code while hiring any employees under subsection (a) of this section.

(c) The Board shall appoint an attorney who shall receive a salary as provided in the county budget.

(d) (1) The restrictions under § 26–202(c) and (d) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities and soliciting or transmitting political contributions for the benefit of a candidate or political committee apply to employees of the Board.

(2) An employee of the Board:

(i) shall devote full time to the business of the Board during the hours designated by the Board for the performance of the employee's official duties;

(ii) may not engage in an occupation, business, or profession connected to or associated with the manufacture or sale of alcoholic beverages; and

(iii) may not transact business beyond the employee's official duties:

1. with a license holder; or

2. in connection with the operation of an establishment licensed for the manufacture or sale of alcoholic beverages.

(3) An employee of the Board who violates this section shall be removed.

(e) (1) On the submission by the Board of an annual budget, the County Council shall pay for all expenses of the Board as contained in the county budget.

(2) In the budget, the salaries of the members shall be as set forth under § 26–204 of this subtitle.

§26–206.

(a) The director shall appoint all of the Board's inspectors.

(b) An inspector:

(1) has all the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article;

(2) may issue a civil citation under § 26–2603 of this title; and

(3) has the authority to order that an unlicensed establishment be closed immediately under § 26–2501 of this title.

(c) An inspector shall:

(1) visit and inspect periodically every licensed premises; and

(2) carry out other duties that the Board requires.

(d) Inspectors are subject to the restrictions under:

(1) § 26–202(c) and (d) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities and soliciting or transmitting political contributions for the benefit of a candidate or political committee; and

(2) § 26–205(d) of this subtitle requiring an employee to devote full time to the business of the Board, prohibiting certain activities, and requiring removal for violation of those requirements and prohibitions.

(e) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

(f) (1) There are up to three full–time inspectors and up to 24 part–time inspectors of the Board as provided in the county budget.

(2) To be a full–time or part–time inspector, an individual shall be a resident of the county.

(3) (i) From the full–time inspectors, the Board shall designate annually a chief inspector and two deputy chief inspectors.

(ii) Under the direction of the Board, the chief inspector shall regulate the duties, hours, and assignments of the inspectors.

(4) The full–time inspectors who are certified by the personnel director as meeting the standards that the county merit board sets out are included in the county merit system.

(g) A part–time inspector shall receive a salary as provided in the county budget.

§26–206.1.

(a) (1) A member of the Board is subject to the restrictions on earned income that a filed candidate for election to the General Assembly, a member–elect of the General Assembly, and a member of the General Assembly are subject to under § 5–514(a)(1) of the General Provisions Article.

(2) The Prince George's County Board of Ethics may exempt a member of the Board from the provisions of paragraph (1) of this subsection in the same manner that the Joint Ethics Committee may exempt an individual from § 5–514(a)(1) of the General Provisions Article.

(b) An action of a member, an inspector, or an employee of the Board is subject to State requirements of the Public Information Act under Title 4 of the General Provisions Article.

§26–207.

(a) The Director of Finance shall collect fees for the County Executive and County Council.

(b) The County Executive and County Council shall:

(1) use the fees collected to pay:

(i) refunds issued in accordance with § 26–1410 of this title; and

(ii) the salaries and expenses of the Board as provided in § 26–205 of this subtitle; and

(2) credit the balance of the fees collected to the general fund of the county.

§26–208.

In addition to any powers set forth elsewhere in this article, the Board may adopt regulations:

(1) regarding the presence of any individual under the age of 21 years on a premises licensed to sell alcoholic beverages;

(2) regarding licensed premises and the conduct of business by license holders and their employees in relation to the sale and consumption of alcoholic beverages;

(3) to require the maintenance of records on the licensed premises by the license holder containing the names, addresses and ages of all individuals employed by the license holder on the premises; and

(4) to maintain standards for sanitation and health, including provisions for:

(i) adequate and sanitary facilities for consumption of alcoholic beverages;

(ii) safe water and plumbing facilities;

(iii) proper utensil cleaning and storage;

(iv) refuse disposal and rodent control; and

(v) the preparation and service of meals or other food with alcoholic beverages; and

(5) to otherwise carry out this article.

§26–209.

(a) All members, employees, and inspectors of the Board are subject to the county's public ethics laws enacted under § 5–807 of the General Provisions Article to the same extent as a local official of the county.

(b) (1) A person may file a complaint with the county's Office of Ethics and Accountability if the person believes that a member, an employee, or an inspector of the Board has violated:

(i) any provision of civil or criminal law, including laws against bribery, in connection with the performance of the duties of the member, employee, or inspector; or

(ii) any provision of the county's public ethics laws.

(2) If a complaint is filed under paragraph (1) of this subsection, the county's Office of Ethics and Accountability shall:

(i) investigate the complaint; and

(ii) if appropriate, refer the complaint to the State's Attorney of the county for criminal prosecution.

§26–301.

There is no liquor control board or department of liquor control in the county.

§26–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–208 ("Class 6 pub–brewery license");

(9) § 2–210 ("Class 8 farm brewery license");

(10) § 2–211 ("Residency requirement");

(11) § 2–212 ("Additional licenses");

(12) § 2–213 ("Additional fees");

(13) § 2–214 ("Sale or delivery restricted");

(14) § 2–216 ("Interaction between manufacturing entities and retailers");

(15) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

(1) § 2–209 ("Class 7 micro–brewery license"), subject to § 26–403 of this subtitle; and

(2) § 2–215 ("Beer sale on credit to retail dealer prohibited"), subject to § 26–405 of this subtitle.

§26–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§26–403.

(a) This section applies to a Class 7 micro–brewery license in the county.

(b) The license may be issued only to the holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the county; and

(2) a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license located in the 22nd alcoholic beverages district of the county.

(c) In the 22nd alcoholic beverages district of the county only, for a holder of a Class D license the hours and days for retail sales under the Class 7 micro–brewery license are those established for a Class D license in the county.

§26–404.

(a) There is a Class B–MB/22 license in the county.

(b) The license may be issued only to a holder of a Class 7 micro–brewery license in the 22nd legislative district.

(c) The license authorizes the holder to sell liquor by the drink for on–premises consumption.

(d) A license holder may also hold a Class D license.

(e) The annual license fee is $1,090.

§26–405.

(a) (1) A cash deposit for a returnable container shall be required at the time of sale or delivery of beer.

(2) For purposes of construing § 2–215 of this article:

(i) a check accepted for payment that is not postdated and is promptly deposited for collection is considered cash; and

(ii) a check that is given in payment for alcoholic beverages to a holder of the license, and is returned uncollected, is prima facie evidence in a civil case of a violation of this section or § 2–215 of this article.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§26–501.

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–301 ("Licenses issued by Comptroller");

(2) § 2–302 ("Class 1 beer, wine, and liquor wholesaler's license");

(3) § 2–303 ("Class 2 wine and liquor wholesaler's license");

(4) § 2–304 ("Class 3 beer and wine wholesaler's license");

(5) § 2–305 ("Class 4 beer wholesaler's license");

(6) § 2–306 ("Class 5 wine wholesaler's license");

(7) § 2–307 ("Class 6 limited wine wholesaler's license");

(8) § 2–308 ("Class 7 limited beer wholesaler's license");

(9) § 2–309 ("Sale and delivery of beer or wine from wholesaler's vehicle");

(10) § 2–310 ("Sale and delivery to retail license holder");

(11) § 2–311 ("Additional wholesaler's licenses");

(12) § 2–312 ("Direct importation of alcoholic beverages");

(13) § 2–313 ("Sale or delivery restricted to holder of license or permit");

(14) § 2–315 ("Interaction between wholesaling entities and retailers");

(15) § 2–316 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

(b) Section 2–314 ("Beer sale on credit to retail dealer prohibited") of Division I of this article applies in the county, subject to § 26–504 of this subtitle.

§26–502.

Except as provided in § 26–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§26–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§26–504.

(a) For purposes of applying § 2–314 of this article:

(1) a cash deposit for a returnable container shall be required at the time of sale or delivery of beer;

(2) a check accepted for payment that is not postdated and is promptly deposited for collection by the license holder is considered cash; and

(3) a check that is given in payment for beer to a license holder and is returned uncollected, is prima facie evidence of a violation by the wholesaler of § 2–314 of this article.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§26–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) (1) (i) A license holder may file an application with the Board to convert the license to a Class D beer and light wine license.

(ii) A license holder who files an application under subparagraph (i) of this paragraph shall submit an application fee of $750.

(2) If a license holder applies for a conversion under paragraph (1)(i) of this subsection, the Board shall hold a public hearing in the same manner a public hearing is held for the issuance of a new license.

(3) In determining whether to approve an application filed under paragraph (1)(i) of this subsection, the Board shall consider the privileges the license holder exercises under the Class A beer license.

(4) If the Board decides to approve an application filed under paragraph (1)(i) of this subsection, the Board shall restrict the privileges of the Class D beer and light wine license to allow the license holder to sell beer and light wine only:

(i) during the days and hours specified in § 26–2002(a) of this title; and

(ii) for off–premises consumption.

(d) The annual license fee is $500.

§26–602.

(a) There is a Class B beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at a hotel or restaurant on the premises described in the license for on–premises consumption.

(2) A license holder who held this class of license before July 1, 1975, and who has been selling beer for off–premises consumption may continue to do so.

(c) The annual license fee is $365.

§26–603.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) The annual license fee is $245.

§26–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) (1) (i) A license holder may file an application with the Board to convert the license to a Class D beer and light wine license.

(ii) A license holder who files an application under subparagraph (i) of this paragraph shall submit an application fee of $750.

(2) If a license holder applies for a conversion under paragraph (1)(i) of this subsection, the Board shall hold a public hearing in the same manner a public hearing is held for the issuance of a new license.

(3) In determining whether to approve an application filed under paragraph (1)(i) of this subsection, the Board shall consider the privileges the license holder exercises under the Class D beer license.

(4) If the Board decides to approve an application filed under paragraph (1)(i) of this subsection, the Board shall restrict the privileges of the Class D beer and light wine license to allow the license holder to sell beer and light wine only during the days and hours specified in § 26–2002(d) of this title.

(d) The annual license fee is $500.

§26–701.

(a) There is a Class A light wine license in the county.

(b) (1) The license may be issued to a holder of a Class 4 limited winery license.

(2) A holder of a Class 4 limited winery license that applies for a Class A light wine license is exempt from any quota established by the Board concerning the number of licenses in the election district where the winery is located.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license light wine produced at the winery.

(2) Light wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $50.

§26–801.

(a) There is a Class A beer and light wine license.

(b) (1) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and light wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or light wine is sold.

(c) (1) (i) A license holder may file an application with the Board to convert the license to a Class D beer and light wine license.

(ii) A license holder who files an application under subparagraph (i) of this paragraph shall submit an application fee of $750.

(2) If a license holder applies for a conversion under paragraph (1)(i) of this subsection, the Board shall hold a public hearing in the same manner a public hearing is held for the issuance of a new license.

(3) In determining whether to approve an application filed under paragraph (1)(i) of this subsection, the Board shall consider the privileges the license holder exercises under the Class A beer and light wine license.

(4) If the Board decides to approve an application filed under paragraph (1)(i) of this subsection, the Board shall restrict the privileges of the Class

D beer and light wine license to allow the license holder to sell beer and light wine only:

(i) during the days and hours specified in § 26–2003(a) of this title; and

(ii) for off–premises consumption.

(d) The annual license fee is $500.

§26–802.

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

(b) (1) Except as provided in paragraph (2) of this subsection, the license authorizes the license holder to sell beer and light wine at a hotel or restaurant, at retail, at the place described in the license, for on–premises consumption.

(2) A holder of the license who has sold beer and light wine since before July 1, 1975, for both on– and off–premises consumption may continue to do so.

(c) The annual license fee is $365.

§26–803.

(a) There is a Class C beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine to a member of a club and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is $245.

§26–804.

(a) There is a Class D beer and light wine license.

(b) Unless the license is restricted under § 26–601(c) or § 26–604(c) of this title or § 26–801(c) of this subtitle, the license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $500.

§26–901.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license under this section may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fee is $910.

§26–902.

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

(b) (1) The Board may issue the license for use by a restaurant that:

(i) is located in a permanent building with sufficient space and accommodations for preparing, serving, and selling hot meals to the public during the restaurant's hours of operation;

(ii) has the minimum sanitary facilities required by the county health department regulations;

(iii) meets the minimum health requirements adopted by the county health department regulations;

(iv) has a dining area with sufficient tables, chairs, or booths to comfortably seat and accommodate the public;

(v) has a kitchen that has complete facilities and utensils for preparing hot and cold meals for the public;

(vi) employs a sufficient number of cooks and wait staff to serve the public using the dining area;

(vii) maintains and displays a menu that advertises the serving of a variety of hot meals; and

(viii) maintains sufficient food on the premises at all times to fill an order made from the menu.

(2) A drug, candy, or confectionery store is not a restaurant.

(c) (1) The license authorizes the license holder, at a hotel or restaurant at retail at the place described in the license, to sell beer, wine, and liquor:

(i) by the glass or by the bottle for on–premises consumption; and

(ii) subject to paragraph (2) of this subsection, for off–premises consumption only:

1. from the main bar; and

2. in the main portion of the dining room facilities.

(2) The off–sale privilege set out in paragraph (1)(ii) of this subsection is limited to those license holders who had the privilege on July 1, 1970.

(d) A license holder shall report promptly to the Board when the restaurant operations are interrupted.

(e) If the new licensed establishment meets the standards set out in this section, the Board may:

(1) issue a new Class B beer, wine, and liquor license;

(2) approve a transfer of the license by the same license holder to a new location; and

(3) approve a transfer of the license from one license holder to another at the same or different location.

(f) The annual license fee is $2,305.

§26–903.

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

(b) (1) The license may be issued for use by a restaurant that:

(i) is located in a permanent building with sufficient space and accommodations for preparing, serving, and selling hot meals to the public during the restaurant's hours of operation;

(ii) has the minimum sanitary facilities required by the county health department regulations;

(iii) meets the minimum health requirements adopted by the county health department regulations;

(iv) has a dining area with sufficient tables, chairs, or booths to comfortably seat and accommodate the public;

(v) is equipped with a kitchen that has complete facilities and utensils for preparing hot and cold meals for the public;

(vi) employs a sufficient number of cooks and wait staff to serve the public using the dining area;

(vii) maintains and displays a menu that advertises the serving of a variety of hot meals; and

(viii) maintains sufficient food on the premises at all times to fill an order made from the menu.

(2) A drug, candy, or confectionery store is not a restaurant.

(c) The license authorizes the license holder, at a hotel or restaurant at retail at the place described in the license, to sell beer, wine, and liquor for:

(1) on–premises consumption; and

(2) off–premises consumption by maintaining "off–sale" shelves or counters that shall be in an area that is partitioned or otherwise partly separated from the main bar and the usual serving area for on–premises consumption.

(d) A license holder shall report promptly to the Board when the restaurant operations are interrupted.

(e) If the establishment for which a license is sought to be issued or transferred meets the standards set out in this section, the Board may:

(1) issue a new license under this section;

(2) approve a transfer of a license under this section by the same license holder to a new location; and

(3) approve a transfer of a license under this section from one license holder to another at the same or different location.

(f) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 26–2004(b) of this title.

(g) The annual license fee is $3,270.

§26–904.

(a) There is a Class BH (hotel) license.

(b) (1) The Board may issue the license for use by a hotel:

(i) that accommodates the public;

(ii) that has:

1. at least 45 bedrooms;

2. a lobby that has a registration and mail desk;

3. a seating facility; and

4. a dining room that has facilities for preparing and serving regular meals;

(iii) with average daily receipts from the sale of a right to occupy a room and the sale of food that exceed the average daily receipts from the sale of alcoholic beverages;

(iv) that collects the county hotel occupancy tax from guests renting, using, or occupying a room in the establishment; and

(v) subject to paragraph (2) of this subsection, in which the capital investment is at least $30,000 per bedroom, including:

1. the building and all of the building's accompanying fixtures and systems;

2. the parking compound;

3. swimming pool and other recreational areas;

4. landscaping;

5. site preparation and improvements; and

6. infrastructure, engineering, architectural, and other similar costs.

(2) For purposes of paragraph (1)(v) of this subsection, the capital investment in the hotel may not include the cost of land furnishings, removable equipment, and personal property.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption:

(1) including by the drink from the bar or a cocktail lounge for on–premises consumption; and

(2) to a hotel guest who is at least 21 years old if the:

(i) liquor is sold in a sealed container of 200 milliliters or less;

(ii) beer, wine, or liquor is sold in a sealed container from a locked, pre–stocked, private bar in an individual guest room; and

(iii) charge for the beer, wine, or liquor sold is indicated on the guest room bill.

(d) (1) Hotel management is responsible for removing the bar key from a room that is rented to a guest under 21 years of age.

(2) A license holder that obtains an entertainment permit under § 26–1103 of this title may allow an individual under 21 years of age to be present on the premises while an alcoholic beverage is being served during any of the following events:

(i) anniversary party;

(ii) baby shower;

(iii) baptism reception;

(iv) bar mitzvah;

(v) bat mitzvah;

(vi) beautillion;

(vii) birthday party;

(viii) book signing;

(ix) church event;

(x) confirmation reception;

(xi) corporate reception;

(xii) cotillion;

(xiii) engagement party;

(xiv) faith based event;

(xv) family reunion;

(xvi) family themed theatrical;

(xvii) graduation party;

(xviii) performance;

(xix) political event;

(xx) retirement party;

(xxi) rights of passage event;

(xxii) scholarship award ceremony;

(xxiii) school event;

(xxiv) tea party;

(xxv) wedding;

(xxvi) wedding reception;

(xxvii) wedding shower; and

(xxviii) family–oriented event, as defined in regulations of the Board.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 26–2004(e) of this title.

(f) The Board shall adopt regulations to carry out this section.

(g) The annual license fee is $5,000.

§26–905.

§26–906.

A Class D beer, wine, and liquor license may not be issued in the county.

§26–1001.

(a) There is a Class B–AE (arts and entertainment) beer, wine, and liquor license.

(b) (1) The Board may issue the license only for use by an establishment in the county arts and entertainment district as approved by the County Council in Council Resolution CR–83–2001.

(2) A person may not hold more than two Class B–AE licenses.

(3) The license authorizes the holder to sell beer, wine, and liquor for on–premises consumption.

(c) The Board shall adopt regulations to carry out this section, including regulations specifying hours and days of sale.

(d) The annual license fee is $3,600.

§26–1001.1.

(a) In this section, "concessionaire" means a lessee, a sublessee, or any other operator of an establishment that is contracted by the holder of a Class B–ECF/DS beer, wine, and liquor license to provide food and beverages services in designated areas of venues that are:

(1) located on the University of Maryland, College Park campus or the Bowie State University campus; and

(2) used primarily to host college athletic events.

(b) There is a Class B–CAEVC (College Athletic Event Venue Concessionaire) beer, wine, and liquor license.

(c) The Board may issue the license to a concessionaire.

(d) (1) The license authorizes the license holder to sell beer, wine, and liquor by the glass or by the bottle for on–premises consumption:

(i) in the area of the venue primarily used to host college athletic events, including courtside seating and suites at the venue; and

(ii) in any other area of the venue controlled by the holder of a Class B–ECF/DS beer, wine, and liquor license.

(2) The license holder may restrict access to the licensed premises.

(e) Notwithstanding § 26–1009(d)(2) of this subtitle, beer, wine, and liquor purchased from an outlet controlled by the holder of a Class B–ECF/DS license may be consumed at the premises controlled by the holder of a Class B–CAEVC license.

(f) A separate Class B–CAEVC beer, wine, and liquor license is required for each venue in which the concessionaire operates.

(g) The license may not be counted as a Class B license for purposes of § 26–1601 of this title.

(h) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 26–2004 of this title.

(i) (1) The annual fee for the license is $3,500.

(2) The fee shall be paid to the Board on or before May 1.

§26–1002.

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

(b) (1) The Board may issue the license for use by a person operating a concession that is:

(i) subject to contractual agreement with the county; and

(ii) on the premises of a golf and country club or country club owned by the county.

(2) The license holder:

(i) may be an individual, association, firm, partnership, or corporation approved by the County Council; and

(ii) shall be a resident of the State.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption by the drink or bottle.

(2) The Board shall:

(i) regulate the manner of providing beer, wine, and liquor; and

(ii) authorize the number of outlets that may provide beer, wine, and liquor on the licensed premises.

(d) (1) Subject to paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor:

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

(ii) on Sunday, from noon to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor for on–premises consumption:

(i) from 2 a.m. to 6 a.m.; or

(ii) at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

(e) The annual license fee is $1,815.

§26–1003.

(a) There is a Class B–CC (convention center) beer, wine, and liquor license.

(b) The Board may issue the license only for use by a hotel that has:

(1) at least 1,500 bedrooms;

(2) at least three dining areas with facilities for preparing and serving regular meals;

(3) rooms for meetings, displays, banquets, balls, dancing, and live entertainment; and

(4) a bar and entertainment or dancing area commonly recognized as a nightclub.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor:

(i) for consumption throughout the licensed premises, both indoors and outdoors, including meeting and banquet rooms, patios, verandas, quays, and green spaces; and

(ii) except as provided in paragraph (2) of this subsection, from locked, prestocked private bars in individual guest rooms if the charges for the beer, wine, and liquor sold are indicated on the guest room bill.

(2) The management of the establishment shall remove the bar key from a room that is rented to a guest under the age of 21 years.

(d) The license authorizes dancing and live entertainment throughout the licensed premises.

(e) The total average daily receipts of the license holder from the rental of meeting rooms and bedrooms and the sale of food are required to exceed the average daily receipts of the license holder from the sale of beer, wine, and liquor.

(f) The license holder may serve beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 3 a.m. the following day.

(g) The annual license fee is $22,000.

(h) This section does not preclude a license holder from having an interest in any other alcoholic beverages licenses in the county.

§26–1004.

(a) There is a Class C (country club) beer, wine, and liquor license.

(b) An application for the license shall be signed by at least one officer of the country club who is a resident, registered voter, and taxpayer.

(c) The Board may issue the license for use by a country club that:

(1) (i) has at least 200 members paying dues of at least $75 per year per member; and

(ii) at the time of application for the license, maintains:

1. at least two tennis courts;

2. a swimming pool that is at least 30 by 80 feet; and

3. at least 15 acres that are used in connection with the licensed premises; or

(2) (i) has at least 500 members who pay dues; and

(ii) has at least 15 acres that are used in connection with the licensed premises.

(d) The license authorizes the license holder to sell beer, wine, and liquor Monday through Sunday for on–premises consumption, excluding the grounds of the country club.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title.

(f) The annual license fee is $1,100.

§26–1005.

(a) There is a Class C (country and golf club) beer, wine, and liquor license.

(b) An application for the license shall be signed by at least one officer of the country and golf club who is a resident, registered voter, and taxpayer of the county.

(c) The Board may issue the license for use by a country and golf club that:

(1) (i) has at least 200 members paying dues of at least $75 per year per member; and

(ii) at the time of the application for the license, maintains:

1. at least two tennis courts;

2. a swimming pool that is at least 30 by 80 feet; and

3. a regular or championship golf course of at least 9 holes; or

(2) (i) has at least 500 members who pay dues; and

(ii) at the time of the application for the license, maintains a regular or championship golf course of at least 18 holes.

(d) The license authorizes the license holder to sell beer, wine, and liquor:

(1) from Monday to Saturday, to any customer of the club for on–premises or off–premises consumption; and

(2) on Sunday, only to a member of the golf and country club and a guest of a member for on–premises consumption on the grounds of the club used in connection with the club.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title, except that restrictions against the sale of alcoholic beverages on Sunday do not apply.

(f) The annual license fee is $1,815.

§26–1006.

(a) There is a Class B–CI license.

(b) The Board may determine:

(1) to whom the license shall be issued;

(2) the number of licenses to be issued; and

(3) whether a person who already holds a license issued in the county may also have an interest in a Class B–CI license.

(c) The Board may issue the license for the use of a country inn that:

(1) accommodates the public;

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

(3) has average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages; and

(4) is in a building that meets the requirements of subsections (e) and (f) of this section.

(d) The license authorizes the license holder to sell alcoholic beverages for on–premises consumption.

(e) A country inn for which the license is issued shall be in a building that:

(1) appears on the National Register of Historic Places;

(2) has historic, cultural, or architectural significance because it:

(i) 1. has character, interest, or value as part of the development, heritage, or cultural characteristics of the county, State, or nation;

2. is the site of a significant historic event;

3. is identified with a person or a group of persons who influenced society;

4. exemplifies the cultural, economic, industrial, social, political, or historical heritage of the community;

5. embodies the distinctive characteristics of a type, period, or method of construction;

6. represents an established and familiar visual feature of the neighborhood, community, or county due to its singular physical characteristic or landscape; and

(ii) possesses high artistic values; or

(3) (i) has been constructed or reconstructed on a site classified as a historic site in the historic sites and districts' plan for the county;

(ii) exemplifies the cultural, economic, industrial, social, political, or historical heritage of the community;

(iii) embodies the distinctive characteristics of a type, period, or method of construction; and

(iv) possesses high artistic values.

(f) In addition to the requirements in subsection (d) of this section, a country inn shall meet the following requirements:

(1) the exterior of the building shall give the appearance of appropriate age;

(2) the grounds shall include appropriate landscaping, gardens, and appurtenances;

(3) except for restrooms, the interior of the building in all areas open to the public shall be decorated and furnished in the style appropriate to the period

in which the building was constructed, or the period the building was constructed to exemplify, except that electric lighting may be used if the lighting fixtures are of a style compatible with the decor of the inn;

(4) the employees of the country inn who regularly and customarily are in view of patrons in the dining area shall be attired in clothing or costume appropriate to the period exemplified by the inn; and

(5) entertainment provided by the country inn shall exemplify the kind of entertainment typical of the period represented by the inn.

(g) (1) A license holder may hold not more than two Class B–CI licenses.

(2) The Board may issue not more than two Class B–CI licenses.

(h) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 26–2004 of this title.

(i) The annual license fee is $2,365.

§26–1007.

(a) In this section, "drafthouse" means a theater where:

(1) a motion picture is shown to the public; and

(2) patrons can purchase food, beer, and wine to consume on the premises while watching the motion picture.

(b) This section applies only in the City of Greenbelt.

(c) There is a Class B–DH (drafthouse) license.

(d) (1) The Board may issue the license for use in a drafthouse that:

(i) has a minimum auditorium size of 3,500 square feet;

(ii) has a minimum investment of at least $150,000 in tangible property, including kitchen equipment, furniture, and interior improvements;

(iii) presents a family matinee every Saturday and holiday that the drafthouse is open for business;

(iv) intends to provide beer and wine at tables and seats in the drafthouse;

(v) does not have a bar other than a service bar; and

(vi) except as provided in subsection (f)(2) of this section, intends to make beer and wine available for purchase only before and during a motion picture and ends service at the end of the motion picture.

(2) Before the Board may issue the license, the applicant shall obtain the Board's written approval of the menu the drafthouse intends to offer, which shall include both hot and cold food.

(e) (1) The license authorizes the license holder to sell beer and wine at retail in the drafthouse described in the license for on–premises consumption.

(2) The license holder may not make alcoholic beverages available for purchase when showing a family matinee.

(f) (1) Subject to paragraph (2) of this subsection, the license holder may sell beer and wine:

(i) on Mondays through Fridays that are not holidays, from 11 a.m. to 1:30 a.m. the following day; and

(ii) on Saturdays, Sundays, and holidays, from 5 p.m. to 1:30 a.m. the following day.

(2) If a family matinee continues after 5 p.m., the license holder may not sell beer or wine until 15 minutes following the end of the matinee.

(g) The Board shall determine the number of licenses to be issued.

(h) (1) The annual license fee is $245.

(2) The license fee established under paragraph (1) of this subsection shall be:

(i) paid before the license is issued; and

(ii) distributed as provided under this article.

§26–1008.

(a) There is a Class B/ECF (educational conference facility) beer, wine, and liquor license for the University College Center for Adult Education of the University of Maryland.

(b) The Board may issue the license to an individual who is:

(1) authorized by the University College Center for Adult Education to:

(i) act on its behalf;

(ii) assume all responsibility; and

(iii) be subject to all the penalties, conditions, and restrictions imposed on licenses; and

(2) a resident and registered voter of the county.

(c) The license authorizes the license holder to sell beer, wine, and liquor by the drink in the University College Center for Adult Education, from one or more outlets, for on–premises consumption to an individual authorized to use the Center.

(d) The policies of the University College Center for Adult Education that pertain to the sponsorship of events where alcoholic beverages may be sold shall be filed with the application.

(e) All profits from the sale of beer, wine, and liquor shall be deposited into the food services income fund.

(f) The Board shall adopt regulations concerning the manner of dispensing beer, wine, and liquor and the hours and days of sale set out for a Class B beer, wine, and liquor license under § 26–2004 of this title.

(g) The annual license fee is $5,175.

§26–1009.

(a) There is a Class B–ECF/DS (Education Conference Facility/Dining Service) beer, wine, and liquor license.

(b) The Board may issue the license to an individual who is:

(1) (i) authorized by the University of Maryland, College Park Campus to:

1. act on its behalf under the license; and

2. be subject to the penalties, conditions, and restrictions under this title; and

(ii) a resident and registered voter of the county; or

(2) (i) authorized by the Prince George's Community College Main Campus to:

1. act on its behalf under the license; and

2. be subject to the penalties, conditions, and restrictions under this title; and

(ii) a resident and registered voter of the county.

(c) The Board may issue a license for use only on the University of Maryland, College Park Campus or the Prince George's Community College Main Campus.

(d) (1) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption from multiple designated outlets on:

(i) the University's campus only at University–related functions catered by the Department of Dining Services; or

(ii) the Community College's campus only at Community College–related functions catered by the Prince George's Community College Main Campus.

(2) Beer, wine, and liquor purchased at a designated outlet are to be consumed in the confines of that outlet and may not be transported to another outlet.

(e) All profits from the retail sale of beer, wine, and liquor shall be deposited in:

(1) the Dining Services Income Fund of the University of Maryland; or

(2) a designated auxiliary services fund of the Prince George's Community College Main Campus.

(f) The Board:

(1) may regulate the manner in which beer, wine, and liquor are dispensed under the license;

(2) before issuing the license, shall designate the exact campus locations for the outlets for the sale of beer, wine, and liquor;

(3) shall maintain a map and description of the designated outlets for verification on the renewal of the license; and

(4) shall require the Department of Dining Services of the University of Maryland, College Park Campus or the Prince George's Community College Main Campus to report to the Board at least 5 days before a University–related or a Community College–related catered function at which beer, wine, or liquor is intended to be sold or served.

(g) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 26–2004 of this title.

(h) The annual license fee is $8,275.

§26–1009.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Concessionaire" means a lessee, a sublessee, or any other operator of an establishment that:

(i) engages in the daily sale of beer, wine, and liquor on its premises for consumption anywhere in an entertainment facility; and

(ii) operates a concession adjacent to but independent of the entertainment facility.

(3) "Entertainment facility" means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(b) There is an entertainment concessionaire license.

(c) (1) The Board may issue the license to a concessionaire operating in conjunction with an entertainment facility.

(2) The license authorizes:

(i) the license holder to sell beer, wine, and liquor by the glass or by the bottle on the premises of the concessionaire for consumption anywhere in the entertainment facility, including a hotel; and

(ii) the playing of music and dancing on the licensed premises.

(3) Beer, wine, and liquor purchased under the license may be taken into and consumed anywhere in an entertainment facility, including a hotel.

(4) (i) The license authorizes the license holder to accept customer–earned credits for the service of food and alcoholic beverages in any location of the entertainment facility, including a hotel, that is not covered by an entertainment concessionaire license for consumption anywhere in the entertainment facility.

(ii) Beer, wine, and liquor served under subparagraph (i) of this paragraph may be taken and consumed anywhere in an entertainment facility, including a hotel.

(5) The hours of sale for the license are the same as the hours of operation for a video lottery facility established under § 9–1A–23 of the State Government Article.

(6) Notwithstanding any other provision of law, the license authorizes the sale and consumption of alcoholic beverages under the license in a lounge that is no more than 2,000 square feet in which the holder of the license may serve and sell food.

(d) A license holder is not required to obtain a Sunday sales license under this title to sell alcoholic beverages after 2 a.m. on Sunday.

(e) The license may not be counted as a Class B or Class H license for purposes of § 26–1601 of this title.

(f) A license holder that seeks to provide entertainment is not required to obtain a special entertainment permit under § 26–1103 of this title.

(g) A license holder that seeks to allow dancing is not required to obtain a local dance license issued by the county.

(h) (1) The annual fee for the license is $5,000.

(2) The fee shall be paid on or before May 1 of each year to the Board.

(i) Any penalty or other sanction that is imposed for a violation of a regulation of the Board on the licensed premises of the holder of an entertainment facility license under § 26–1009.2 of this subtitle shall apply to the holder of a concessionaire's license that the Board determines to be responsible for the violation.

§26–1009.2.

(a) (1) In this section the following words have the meanings indicated.

(2) "Concessionaire" has the meaning stated in § 26–1009.1 of this subtitle.

(3) "Entertainment facility" means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(b) There is an entertainment facility license.

(c) (1) The Board may issue the license for the use of an entertainment facility that contains one or more food service facilities, bars, or lounges that are part of the operation of the entertainment facility.

(2) (i) The license shall be issued to an individual or entity that owns an entertainment facility and holds a license under Title 9, Subtitle 1A of the State Government Article.

(ii) An applicant for the license need not meet any location, voting, or residency requirements.

(3) The license authorizes:

(i) the license holder to sell beer, wine, and liquor by the glass or by the bottle in any location of the entertainment facility, including a hotel, that is not covered by an entertainment concessionaire license for consumption anywhere in the entertainment facility; and

(ii) the playing of music and dancing on the licensed premises.

(4) Beer, wine, and liquor purchased under the license may be taken and consumed anywhere in an entertainment facility, including a hotel.

(5) (i) The license authorizes the license holder to accept customer–earned credits for the service of food and alcoholic beverages in any location

of the entertainment facility, including a hotel, that is not covered by an entertainment concessionaire license for consumption anywhere in the entertainment facility.

(ii) Beer, wine, and liquor served under subparagraph (i) of this paragraph may be taken and consumed anywhere in an entertainment facility, including a hotel.

(6) The hours of sale for the license are the same as the hours of operation for a video lottery facility established under § 9–1A–23 of the State Government Article.

(7) Notwithstanding any other provision of law, the license authorizes the sale and consumption of beer, wine, and liquor in a lounge that is no more than 2,000 square feet in which the holder of the license may serve and sell food.

(d) A license holder is not required to obtain a Sunday sales license to sell alcoholic beverages after 2 a.m. on Sunday.

(e) The license may not be counted as a Class B or Class H license for purposes of § 26–1601 of this title.

(f) A license holder that seeks to provide entertainment is not required to obtain a special entertainment permit under § 26–1103 of this title.

(g) A license holder that seeks to allow dancing is not required to obtain a local dance license issued by the county.

(h) (1) The annual fee for the license is $22,000.

(2) The fee shall be paid on or before May 1 of each year to the Board.

§26–1010.

(a) In this section, "Commission" means the Maryland–National Capital Park and Planning Commission.

(b) There is a Class B–ECR (Equestrian Center restaurant) beer, wine, and liquor license.

(c) The Board may issue the license to the Commission on the application and qualification of the Commission.

(d) The license authorizes the license holder to sell beer, wine, and liquor by the drink for on–premises consumption in the Commission's Equestrian Center restaurant by the license holder or a private concessionaire under contract with the license holder to operate the licensed premises.

(e) Profit from the sale of beer, wine, and liquor by the license holder may be for the use of the Commission.

(f) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 26–2004 of this title.

(g) The annual license fee is $2,420.

§26–1011.

(a) (1) In this section, "independent and nonprofit nationwide fraternal or sororal organization" means an organization whose membership is composed solely of graduate members of an independent and nonprofit nationwide fraternal or sororal organization.

(2) "Independent and nonprofit nationwide fraternal or sororal organization" does not include:

(i) a college or high school fraternity or sorority; or

(ii) any other fraternity or sorority, the membership of which is restricted in whole or in part to students of an educational institution or a professional school.

(b) There is a Class C (fraternal/sororal/service organization) beer, wine, and liquor license.

(c) The Board may issue the license for use by a local unit of a lodge or chapter of a nonprofit and nationwide fraternal, sororal, or service organization or an independent and nonprofit nationwide fraternal or sororal organization that:

(1) is composed solely of inducted members;

(2) was operating in the county before the license application was made;

(3) has at least 100 members paying dues of at least $5 per year per member; and

(4) owns or operates a home or clubhouse that is principally for the use of its members and guests when accompanied by members.

(d) (1) The license authorizes the license holder to sell beer, wine, and liquor by the glass or by the bottle for on–premises consumption by a member or guest accompanied by a member.

(2) The license holder may allow a person that has leased a private room or other area of the licensed premises for a private social gathering to bring beer, wine, and liquor onto the licensed premises for on–premises consumption.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title, except that restrictions on the sale of alcoholic beverages on Sunday do not apply.

(f) During a 1–year period, if a license holder is found guilty of two underage violations or two violations of purchasing beer, wine, or liquor, from a person other than a licensed wholesaler, or any combination of the two, the Board may suspend or revoke the license.

(g) The annual license fee is $910.

§26–1012.

(a) In this section, "Commission" means the Maryland–National Capital Park and Planning Commission.

(b) There is a Class B–GC (golf course) beer, wine, and liquor license for use on the licensed premises of a golf course in the county under the jurisdiction of the Commission.

(c) (1) The Board shall issue a license to each manager of a golf course of the Commission who applies and qualifies as a license holder.

(2) A separate license is required for each golf course.

(d) The license authorizes the license holder to sell beer, wine, and liquor from one or more outlets for on–premises consumption on the golf course.

(e) (1) Except as provided in paragraph (2) of this subsection, the hours and days of sale for beer, wine, and liquor are from 9 a.m. to 10 p.m. daily, Monday through Sunday.

(2) The Commission may:

(i) reduce the hours of sale of beer, wine, and liquor; and

(ii) discontinue the sale of beer, wine, and liquor from Labor Day through Memorial Day.

(f) The annual license fee is $500.

§26–1013.

(a) There is a B–RT (racetrack) license.

(b) The license may be issued for:

(1) an agricultural association, agricultural fair association, or other association authorized to conduct racing under Title 11 of the Business Regulation Article where restaurant facilities are available;

(2) an authorized concessionaire of an association specified in item (1) of this subsection; or

(3) an organization, on a day other than a racing day, when the premises and facilities of an association specified in item (1) of this subsection are used for a limited time for:

(i) a legitimate theatrical production;

(ii) a social reception; or

(iii) an entertainment event conducted by:

1. a club, a society, or an association;

2. a religious, fraternal, civic, war veterans, or charitable organization; or

3. a hospital supporting organization.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(d) To obtain the license, at least one officer of the applicant shall be a resident of the State.

(e) The license fee is $60 per day for each day the license is used.

§26–1014.

(a) There is a Class B–Stadium (baseball stadium) beer, wine, and liquor license.

(b) The Board may issue the license to:

(1) the Maryland–National Capital Park and Planning Commission; or

(2) a private concessionaire that is under contract with the Commission.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail to consumers for on–premises consumption in a baseball stadium owned or operated by the Maryland–National Capital Park and Planning Commission.

(d) Profit from the sale of beer, wine, or liquor made by a license holder may accrue to the use of the Commission or the concessionaire.

(e) The annual license fee is $2,420.

§26–1015.

(a) There is a Class B–Stadium (football stadium) beer, wine, and liquor license.

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor by the drink and by the bottle, from one or more outlets, for on–premises consumption.

(2) The license may be exercised only at a stadium located in Landover occupied by a National Football League franchise.

(c) The annual license fee is $21,780.

§26–1016.

(a) In this section, "theme park" means an entertainment complex that includes roller coasters and other rides, shows, a water park, restaurants, and shops.

(b) There is a Class B–TP (theme park) beer, wine, and liquor license.

(c) The Board may issue the license for a theme park in Mitchellville to an applicant who files:

(1) an application on a form that the Board provides; and

(2) the policies of the theme park for the sponsorship of special events held when:

(i) the theme park is closed to the public; and

(ii) beer, wine, and liquor are sold.

(d) The license authorizes the license holder to sell beer, wine, and liquor by the drink in the theme park, from one or more outlets, for on–premises consumption.

(e) The Board shall adopt regulations relating to the serving of beer, wine, and liquor and the hours and days of sale.

(f) The annual license fee is $4,290.

§26–1017.

(a) There is a Class C (veterans' organization or club) beer, wine, and liquor license.

(b) The Board shall issue the license for use by a local unit of a nationwide nonprofit veterans' organization or club that:

(1) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;

(2) has a charter from a national veterans' organization that was granted before the license application was made;

(3) has at least 100 members paying dues of at least $5 per year per member;

(4) operates only for its members and guests when accompanied by members; and

(5) meets in a clubhouse principally used for its members and guests when accompanied by members.

(c) The license authorizes the license holder to sell beer, wine, and liquor by the glass or by the bottle at retail at the place described in the license for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title.

(e) The annual license fee is $910.

§26–1018.

(a) There is a Class D (waterfront) beer and wine license.

(b) The Board may issue the license for use by an establishment in a waterfront entertainment retail complex, as defined in the county zoning ordinance.

(c) The license authorizes the license holder to sell beer and wine at retail at the place described in the license for on–premises or off–premises consumption.

(d) The license holder may sell beer and wine for on–premises and off–premises consumption on Monday through Sunday from 9 a.m. to 2 a.m. the following day.

(e) The annual license fee is $660.

§26–1018.1.

(a) There is a Class B–WPL (waterfront pavilion) beer, wine, and liquor license.

(b) The Board may issue the license for use by an establishment in a waterfront entertainment retail complex, as defined in the county zoning ordinance, at a pavilion location that:

(1) has premises consisting in part of an area within a fence surrounding a tent structure that is not intended to be relocated during the term of the license;

(2) is equipped for dining or entertainment purposes; and

(3) has at least one area for food service or a full–service bar.

(c) The license may not be issued for:

(1) the area of grass or steps beginning at the Jumbotron through to, but not including, National Plaza Street; or

(2) a location directly in front of and within 50 feet of the carousel entrance.

(d) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption.

(e) (1) The license authorizes live entertainment throughout the licensed premises.

(2) Live entertainment may be conducted at any time during the hours of operation of the licensed premises.

(f) The Board may issue not more than three licenses.

(g) (1) The term of a license may be at least 3 months and may not exceed 6 months.

(2) The license holder may renew the license once for the same term as the original license.

(3) A license holder may hold not more than three licenses at the same time.

(h) An individual license holder is not subject to any residency requirement under this title.

(i) The license holder may have an interest in other licenses elsewhere in the county.

(j) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B–WPL (waterfront pavilion) beer, wine, and liquor license under § 26–2004 of this title.

(k) The monthly license fee is $500.

§26–1019.

(a) There is a Class C (yacht club) beer, wine, and liquor license.

(b) The application for the license shall be signed by at least one officer of the yacht club who is a resident, registered voter, and taxpayer of the county.

(c) The Board may issue the license for the use of a yacht club that:

(1) has at least 50 members paying dues of at least $75 per year per member; and

(2) at the time of application for the license, maintains:

(i) a clubhouse with a seating capacity of at least 100;

(ii) slips or berths for at least 75 boats; and

(iii) at least 5 acres.

(d) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption by a member of the yacht club or a guest when accompanied by a member.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title.

(f) The license holder is not subject to the restrictions on the sale of beer, wine, and liquor on Sunday in § 26–2004(j)(2) of this title.

(g) The annual license fee is $1,575.

§26–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 26–1102 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 26–1102.1 of this subtitle.

§26–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class B beer, wine, and liquor license with off–sale privileges.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) The Board shall set an annual permit fee.

§26–1102.1.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class B beer, wine, and liquor license with off–sale privileges.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) (1) Except as provided in paragraph (2) of this subsection, the Board shall set an annual permit fee.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§26–1103.

(a) This section does not apply to a license holder that seeks to provide entertainment if:

(1) the license of the license holder is issued under § 26–1003, § 26–1006, § 26–1008, § 26–1009, § 26–1010, § 26–1011, § 26–1014, § 26–1015, § 26–1016, § 26–1018.1, or § 26–1616(h) of this title; or

(2) the license is a veterans or fraternal Class C license and the license holder provides entertainment that:

(i) is under the direct supervision of the license holder;

(ii) is for adults, children, and families of the organization or the public; and

(iii) when offered, ends not later than midnight.

(b) There is an entertainment permit.

(c) The Board may issue the permit to a holder of a Class B (on–sale) license in accordance with this section.

(d) (1) (i) Subject to subparagraph (ii) of this paragraph, the permit authorizes the permit holder to impose a cover charge, offer facilities for patron dancing, and provide entertainment.

(ii) The permit holder shall comply with all requirements under county law, including zoning and use and occupancy laws.

(2) The Board shall determine the number of days in a week that a permit holder may exercise the privileges of the permit.

(3) The permit is in effect from 9 p.m. to 2 a.m. the following day.

(e) Before being issued the permit, an applicant shall:

(1) submit evidence to the satisfaction of the Board that:

(i) the applicant holds a Class B (on–sale) license;

(ii) there are no unpaid taxes due from the applicant to the State, the county, or a municipal corporation; and

(iii) the applicant meets all other requirements for the permit; and

(2) (i) develop a security plan to prevent the premises for which the permit is sought from posing a threat to the peace and safety of the surrounding area; and

(ii) submit the plan for review to the Board and the Chief of the County Police Department.

(f) (1) The Chief of the County Police Department may submit comments to the Board on the adequacy of the security plan within 30 days after receipt of the security plan.

(2) The Board shall consider the comments, if any, of the Chief of the County Police Department and subsequently issue the permit, refuse to issue the permit, or condition the issuance of the permit on changes to the security plan.

(3) If the Board issues the permit with a security plan that the Chief of the County Police Department does not support, the Board shall specify in writing to the Chief of the County Police Department the reasons why the Board has determined that the security plan is adequate.

(g) (1) Before issuing the permit, the Board shall hold a public hearing in accordance with the requirements for a public hearing on an application for a license under § 26–1511 of this title.

(2) At the public hearing, the Board shall give the applicant, supporters of the applicant, and opponents of the applicant an opportunity to be heard.

(3) In making its determination whether to approve the application and issue the permit, the Board shall consider whether:

(i) approval and issuance of the permit is necessary for the accommodation of the public;

(ii) the applicant is a fit person to receive the permit;

(iii) the applicant has made a material false statement in the application;

(iv) the applicant has committed any fraudulent act in connection with the application;

(v) the operation of the business, if the permit is issued, will unduly disturb the peace of the residents of the neighborhood where the place of business is located or to be located; and

(vi) there are any other reasons that justify the disapproval of the application or the refusal to issue the permit.

(4) The Board shall hold a similar public hearing on receipt of a petition to:

(i) revoke the permit; or

(ii) protest the renewal of the permit.

(h) The permit holder:

(1) shall implement and follow the approved security plan described under subsection (e)(2) of this section at all times when the permit holder exercises the privileges of the permit;

(2) when the privileges authorized by the permit are being exercised, may not allow an individual who is under the age of 21 years on the premises for which the permit is issued unless the individual is employed by or is an immediate family member of the permit holder; and

(3) may employ sworn security personnel as part of the security plan described under subsection (e)(2) of this section if the sworn security personnel have full police powers in the jurisdiction where the premises of the permit holder is located.

(i) The Board at any time may prohibit, condition, or restrict the type of entertainment offered by a permit holder, including lewd, exotic, loud, or raucous entertainment, if after a hearing the Board determines that the entertainment:

(1) adversely impacts or unduly disturbs the community; and

(2) is not conducive to the peace, health, welfare, or safety of the residents of the county.

(j) (1) Subject to paragraph (2) of this subsection, the Board may immediately suspend the permit if the Board reasonably believes that the permit holder:

(i) violated this section; or

(ii) is not in compliance with a county zoning property standard or use and occupancy requirement.

(2) If the Board immediately suspends a permit, the Board shall:

(i) give the permit holder notice of the suspension and a hearing on the suspension at which the permit holder may be heard and present evidence; and

(ii) hold the hearing within 30 days after the suspension is imposed.

(k) (1) At the hearing, the Board shall determine:

(i) whether the permit holder violated this section or other law; and

(ii) if a violation occurred, what penalty to impose among those listed in paragraphs (2) and (3) of this subsection.

(2) Subject to paragraph (3) of this subsection, if the Board finds that a person has violated this section or any other law, the Board:

(i) may revoke or continue the suspension of the permit; and

(ii) shall impose on the person a penalty of:

1. for a first offense, at least $1,000 but not more than $12,500; and

2. for each subsequent offense, at least $5,000.

(3) The Board:

(i) shall revoke the permit of a person who the Board determines violated this section or any other law twice in 24 months; and

(ii) may not consider an application from the person for a new permit or an application for a new permit for the premises that was the subject of the revocation until at least 12 months after the order of revocation is issued.

(4) If the Board determines that the permit holder did not violate this section, the Board shall immediately reinstate the permit.

(l) (1) The circuit court may issue a temporary restraining order to immediately close to the public the entire operation of the premises if the county establishes that:

(i) the security plan described under subsection (e)(2) of this section has not been implemented; and

(ii) the public health, safety, or welfare requires emergency action.

(2) On issuance of a temporary restraining order under paragraph (1) of this subsection, the county shall give the permit holder written notice of and reasons for the closure.

(3) The permit holder promptly shall be given an opportunity for a hearing in circuit court on the granting of the temporary restraining order in accordance with Title 15, Chapter 500 of the Maryland Rules.

(m) The Board shall adopt regulations to carry out this section.

(n) The annual fee for the permit is $1,500, which is in addition to the annual fee for the Class B license.

§26–1103.1.

(a) There is a family entertainment permit.

(b) The Board may issue the permit to a holder of a Class B (on–sale) license in accordance with this section if the Board determines that:

(1) the license holder's business provides family entertainment;

(2) the room in which the entertainment is to be provided has a seating capacity of not more than 110 individuals;

(3) the establishment will allow underage persons to view the entertainment and will not offer entertainment for adults only;

(4) the average daily receipts from the sale of food will be at least 60% of the total daily receipts from the sale of food and drink in the establishment;

(5) the establishment will offer the same menu, including appetizers, main courses, and desserts, throughout the establishment and during the time when the entertainment is provided; and

(6) the prices for food and drink in the room where the entertainment is to be provided will not vary from the prices for food and drink offered elsewhere in the establishment.

(c) (1) Subject to paragraph (2) of this subsection, the permit authorizes the permit holder to impose a cover charge and provide entertainment.

(2) The permit holder shall comply with all requirements under county law, including zoning and use and occupancy laws.

(d) (1) The Board shall determine:

(i) the number of days in a week that a permit holder may exercise the privileges of the permit; and

(ii) subject to paragraph (2) of this subsection, the hours that the permit may be in effect.

(2) Entertainment may not be provided later than midnight.

(e) The holder of the permit shall be subject to § 26–1103(e) through (h)(1) and (h)(3) through (l) of this subtitle.

(f) The Board shall adopt regulations to carry out this section.

(g) The annual fee for the permit is $250, which is in addition to the annual fee for the Class B license.

§26–1104.

(a) There is a Sunday off–sale permit.

(b) (1) Except as provided in paragraph (2) of this subsection, the Board may issue the permit to the holder of:

(i) any Class A license; or

(ii) any Class B license with an off–sale privilege.

(2) The Board may not issue a Sunday off–sale permit to a license holder that the Board finds to have sold liquor on Sunday without a Sunday off–sale permit.

(c) The permit authorizes the holder to sell alcoholic beverages for off–premises consumption on Sunday from 8 a.m. to midnight.

(d) (1) Except as provided in paragraph (2) of this subsection, an applicant for the permit shall commit in the application to spending a minimum of $50,000 to rehabilitate and renovate the interior or exterior of the licensed premises within 1 year after the permit is issued.

(2) The Board shall waive the spending requirement for a holder of a Class B beer, wine, and liquor license with an off–sale privilege that acquired the license on or after January 1, 2016, if the holder can show through receipts that a minimum of $50,000 was spent to rehabilitate and renovate the interior or exterior of the licensed premises within the 3–year period immediately preceding the submission of the application.

(3) The Board shall revoke the permit and impose a fine on the permit holder not exceeding $5,000 if:

(i) the Board did not waive the spending requirement under paragraph (2) of this subsection; and

(ii) the permit holder fails to spend the money as required, evidenced by receipts for work done and inspections of the licensed premises.

(e) If the permit is issued to the holder of a Class B license with an off–sale privilege, the holder need not comply with any restaurant or food requirement.

(f) The Board shall adopt regulations to implement the spending requirements under subsection (d) of this section.

(g) (1) The application fee for the permit is $750.

(2) The annual fees for the permit are:

(i) $2,590 for the holder of a Class A license; and

(ii) $1,080 for the holder of a Class B license with an off–sale privilege.

(3) The fees listed in paragraphs (1) and (2) of this subsection are in addition to the annual fee for the Class A license or Class B license to which it is attached.

§26–1201.

(a) There is a Class BCE (on–sale) beer, wine, and liquor license.

(b) (1) The Board may issue the license for use by a catering establishment.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Board shall adopt regulations that define a catering establishment.

(ii) The regulations adopted by the Board shall require a catering establishment to have:

1. a minimum capital investment of $1,000,000 for dining room facilities and kitchen equipment, excluding the cost of land, buildings, or a lease; and

2. a minimum seating capacity of 150 individuals.

(3) The license authorizes the license holder to provide beer, wine, and liquor for on–premises consumption by participants of catered events only.

(c) The license holder shall serve food with the beer, wine, and liquor.

(d) The annual license fee is $4,480.

(e) The Board shall adopt regulations specifying the hours and days of sale.

§26–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(3) § 4–1206 ("License to dispose of stock");

(4) § 4–1207 ("Temporary move of licensed premises");

(5) § 4–1208 ("Hours and days of sale"); and

(6) § 4–1209 ("Wine permit for fund–raising event").

(b) Section 4–1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 26–1314 of this subtitle.

(c) Section 4–1204 ("Class C per diem beer, wine, and liquor license") of Division I of this article applies in the county, subject to §§ 26–1311 and 26–1313 of this subtitle.

§26–1304.

(a) In this section, "Festival" means the Prince George's County Wine Festival.

(b) (1) There is a Prince George's County Wine Festival license.

(2) The Board may issue one license each year.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.

(d) The license authorizes the license holder to display and sell wine that is:

(1) manufactured and processed in any state; and

(2) distributed in the State when the license application is filed.

(e) A license holder shall display and sell wine:

(1) for on– and off–premises consumption; and

(2) during the hours and days designated for the Festival.

(f) (1) The Board shall:

(i) choose a location for the Festival that:

1. is not in the 24th Legislative District; and

2. is not already licensed; and

(ii) ensure that the primary focus of the Festival is the promotion of Maryland wine.

(2) Subject to paragraph (3) of this subsection, each year the Board may choose 1 weekend, Friday through Sunday, inclusive, for the Festival.

(3) The weekend chosen for the Festival may not:

(i) be within 14 days before or after the dates chosen for the Maryland Wine Festival in Carroll County; or

(ii) conflict with the dates chosen for the:

1. Anne Arundel County Beer and Wine Festival;

2. Calvert County Wine Festival;

3. Charles County Beer and Wine Festival; or

4. Howard County Wine Festival.

(g) The license holder may hold another license of a different class or nature.

(h) Wine displayed and sold shall be:

(1) invoiced to the license holder by a licensed wholesaler, Class 3 winery, or Class 4 limited winery; and

(2) delivered to the Festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder to:

(1) deliver wine 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.

(j) The Board may set the license fee.

(k) The Board shall adopt regulations to carry out this section.

§26–1305.

(a) There is a beer tasting license.

(b) The Board may issue the license to a holder of a beer (B) license, a beer and wine (BW) license, or a beer, wine, and liquor (BWL) license.

(c) The license authorizes the holder to allow the consumption of beer for tasting.

(d) A license holder may serve a quantity of not more than 3 ounces from each offering of beer to an individual.

(e) (1) In addition to the cost of the beer and wine license or beer, wine, and liquor license, the annual license fee is $120.

(2) In addition to the cost of a beer license, the annual license fee is $110.

§26–1306.

(a) There is a wine tasting license.

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

(c) The license authorizes the holder to allow the consumption of wine containing not more than 15.5% of alcohol by volume for tasting.

(d) A license holder may serve a quantity of not more than 1 ounce from each offering of wine to an individual.

(e) In addition to the cost of the beer and wine license or beer, wine, and liquor license, the annual license fee is $120.

§26–1307.

(a) There is a beer and wine tasting license.

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

(c) The license authorizes the holder to allow, for tasting, the consumption of:

(1) beer; or

(2) wine containing not more than 15.5% of alcohol by volume.

(d) A license holder may serve to an individual a quantity of not more than:

(1) 1 ounce from each offering of wine; or

(2) 3 ounces from each offering of beer.

(e) The Board shall set the annual license fee.

§26–1308.

(a) There is a beer, wine, and liquor tasting (BWLT) 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 consumption of beer, wine, and liquor for tasting.

(d) A license holder may serve to an individual a quantity of not more than:

(1) 0.5 ounce of liquor from each offering and 1.5 ounces from all offerings of liquor in a day;

(2) 1 ounce from each offering of wine; and

(3) 3 ounces from each offering of beer.

(e) The Board shall set the annual license fee.

§26–1309.

§26–1311.

(a) When the Board issues a Class C per diem beer, wine, and liquor license, the Board shall provide notice of the event for which the license is issued to:

(1) the County Police Chief;

(2) the County Fire Chief;

(3) the director of the County Department of Environmental Resources; and

(4) if applicable, the chief administrative officer of the municipality in which the event is to be held.

(b) The notice shall include the time, place, and expected size of the event.

§26–1312.

(a) There is a Class D per diem beer and wine license.

(b) (1) The Board may issue the license:

(i) to an individual; or

(ii) on behalf of an entity that holds an event in the property of a conceptual site plan, subject to paragraph (2) of this subsection.

(2) At least part of the property of the conceptual site plan shall include a waterfront entertainment retail complex as defined under the county zoning ordinance.

(c) (1) Subject to paragraph (2) of this subsection, a license holder may display and sell beer and wine at retail for on–premises and off–premises consumption during the hours and days designated for the event for which the license was issued.

(2) The Board may not issue the license for a period longer than 7 consecutive days.

(d) A license holder may hold another alcoholic beverages license of a different class or nature.

§26–1313.

(a) There is a Class C (3–day) beer, wine, and liquor license.

(b) The Board may issue the license to a nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(c) The Board may not issue a license to an organization:

(1) for more than 3 consecutive days in a single calendar year; or

(2) in 2 consecutive years.

(d) A license holder may sell beer, wine, or liquor at National Harbor for on– and off–premises consumption.

(e) (1) A license holder may purchase beer, wine, or liquor only from a licensed wholesaler.

(2) A licensed wholesaler may donate alcoholic beverages to the license holder.

§26–1314.

(a) (1) Except as provided in paragraph (2) of this subsection, for a Class C per diem beer license and a Class C per diem beer and wine license, the fee is $75 per day.

(2) (i) For a club holding a gaming event, the fee is $100 per day.

(ii) The fee under this paragraph shall be:

1. paid by the club; and

2. considered as part of the license fee of the club.

(3) For a Class D (3–day) beer and wine license, the fee is $100 per day.

(b) (1) Except as provided in paragraph (2) of this subsection, for a Class C per diem beer, wine, and liquor license, the fee is $200 per day.

(2) (i) For a club holding a gaming event, the fee is $150 per day.

(ii) The fee under this paragraph shall be:

1. paid by the club; and

2. considered as part of the license fee of the club.

(3) For a Class C (3–day) beer, wine, and liquor license, the fee is $200 per day.

§26–1401.

(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) § 4–106 ("Payment of notice expenses");

(3) § 4–108 ("Application form required by Comptroller");

(4) § 4–111 ("Payment of license fees");

(5) § 4–112 ("Disposition of license fees"); and

(6) § 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 do not apply in the county:

(1) § 4–103 ("Application on behalf of partnership"), which is superseded by § 26–1405 of this subtitle;

(2) § 4–104 ("Application on behalf of corporation or club"), which is superseded by § 26–1406 of this subtitle;

(3) § 4–105 ("Application on behalf of limited liability company"), which is superseded by § 26–1406 of this subtitle;

(4) § 4–110 ("Required information on application — Petition of support"); and

(5) § 4–113 ("Refund of license fees"), which is superseded by § 26–1410 of this subtitle.

(c) 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 §§ 26–1403 and 26–1404 of this subtitle; and

(2) § 4–109 ("Required information on application — In general"):

(i) in addition to § 26–1408 of this subtitle; and

(ii) subject to § 26–1407 of this subtitle.

§26–1402.

(a) The Board may not consider an application for a license to be prima facie evidence that the applicant is entitled to the license.

(b) The burden of proof is on the applicant to show to the Board that the issuance of a license to the applicant is necessary for the accommodation of the public at the premises applied for.

(c) The limitations on licenses specified in § 26–1601 of this title may not be construed as the number of licenses the Board is obligated to issue.

§26–1403.

The Board may obtain criminal history record information on license applicants and their agents from the county police.

§26–1404.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article or § 26–1403 of this subtitle on completion of its necessary use.

§26–1405.

(a) This section does not apply to:

(1) a racetrack license;

(2) a Class BLX license;

(3) an arena license;

(4) a Class BCE (catering) license;

(5) a Class B–CC (convention center) license;

(6) a Class B/ECF (educational conference facility) license;

(7) the issuance, renewal, or transfer of Class B–DD (development district) licenses; or

(8) a business whose stock or interest is authorized for sale by the United States Securities and Exchange Commission.

(b) (1) An application for a license for a proprietorship shall state the name and address of the proprietorship and the name and address of the applicant.

(2) An application for a license for a partnership shall:

(i) be made by and the license issued to each partner as an individual; and

(ii) state the name and address of the partnership and the names and addresses of each applicant.

(c) (1) This subsection does not apply to a Class B–Stadium (baseball stadium) beer, wine, and liquor license, a 7–day Class B–ECR on–sale beer, wine, and liquor license, or a Class B–WPL (waterfront pavilion) beer, wine, and liquor license.

(2) To be eligible to receive a license, a partner shall:

(i) be a resident of the State at the time the application is filed and continue to be a resident as long as the license is in effect; and

(ii) be a registered voter of the State.

§26–1406.

(a) This section does not apply to:

(1) a racetrack license;

(2) a Class BLX license;

(3) an arena license;

(4) a Class BCE (catering) license;

(5) a Class B–CC (convention center) license;

(6) a Class B/ECF (educational conference facility) license;

(7) the issuance, renewal, or transfer of Class B–DD (development district) licenses; or

(8) a business whose stock or interest is authorized for sale by the United States Securities and Exchange Commission.

(b) (1) An application for a license on behalf of a corporation, an incorporated or unincorporated club, or a limited liability company shall be made by and the license issued to three officers of the corporation or club or three authorized persons of the limited liability company, as individuals.

(2) An application for a license shall:

(i) state the name and address of each officer of the corporation or club or authorized person of the limited liability company;

(ii) state the name and address of the corporation, club, or limited liability company; and

(iii) be signed by:

1. the president or vice president of the corporation or club; or

2. three officers or authorized persons to whom the licenses are to be issued.

(3) If a corporation or club has fewer than three officers or directors or a limited liability company has fewer than three authorized persons, each officer, director, or authorized person shall apply for a license.

(c) (1) This subsection does not apply to a Class B–Stadium (baseball stadium) beer, wine, and liquor license, a 7–day Class B–ECR on–sale beer, wine, and liquor license, or a Class B–WPL (waterfront pavilion) beer, wine, and liquor license.

(2) To be eligible to receive a license, an applicant shall:

(i) be a resident of the State at the time the application is filed and continue to be a resident as long as the license is in effect; and

(ii) be a registered voter of the State.

(d) (1) A license may not be issued, renewed, or transferred to an individual applying for a license for a corporation, an unincorporated association, or a limited liability company, unless residents of the State own:

(i) 25% of the total issued capital stock of the corporation or unincorporated association; or

(ii) 25% of the interest in the limited liability company.

(2) If a close corporation does not have officers or directors:

(i) at least 25% of the stock shall be held by residents of the State;

(ii) there shall be an affirmative vote of the majority stockholders;

(iii) at least one stockholder shall apply for the license as provided in this section; and

(iv) each year, the applicants or corporation shall submit to the Board a sworn statement that includes the name and address of each stockholder of the corporation and the number of shares that each stockholder owns and has a right to vote at a stockholders meeting.

§26–1407.

An applicant for a license in the county shall include on the application:

(1) a statement whether the applicant is a natural–born or naturalized citizen; or

(2) if the applicant is not a citizen of the United States:

(i) a statement that the applicant's immigration status is in accordance with federal law; and

(ii) evidence to verify the immigration status of the applicant.

§26–1408.

In addition to the statement required under § 4–109(a)(9) of this article, an applicant for a license shall include a signed statement that if the application is made on behalf of a corporation, that neither the applicant nor any of the stockholders of the corporation have been convicted of a felony.

§26–1409.

(a) The Board shall charge an application fee for a new license.

(b) The application fee does not apply to the renewal or transfer of a license for the same premises.

(c) The application fee is $300 and in addition to any other fee required for a license.

(d) The application fee may not be refunded whether the license is issued or denied.

(e) The Board shall use the application fee to cover its expenses.

§26–1410.

(a) Except as provided in subsection (b) of this section, a refund of any part of a license fee is not allowed.

(b) (1) A license fee refund may be made on the death of the license holder before the license expires.

(2) A personal representative may apply for a refund.

§26–1501.

(a) Section 4–207 ("Licenses issued to minors") of Division I of this article applies in the county without exception or variation.

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of License Applications") do not apply in the county:

(1) § 4–206 ("Limitations on retail floor space") and is superseded by § 26–1504 of this subtitle;

(2) § 4–210 ("Approval or denial of license application") and is superseded by § 26–1513 of this subtitle; and

(3) § 4–214 ("Waiting periods after denial of license applications") and is superseded by § 26–1516 of this subtitle.

(c) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), in addition to §§ 26–1502 and 26–1503 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 26–1505 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 26–1505 of this subtitle and Subtitle 13, Part III of this title;

(4) § 4–205 ("Chain store, supermarket, or discount house"), subject to § 26–1509 of this subtitle;

(5) § 4–208 ("Notice of license application required"), subject to § 26–1512 of this subtitle;

(6) § 4–209 ("Hearing"), in addition to § 26–1511 of this subtitle;

(7) § 4–211 ("License forms; effective date; expiration"), in addition to § 26–1508 of this subtitle;

(8) § 4–212 ("License not property"), subject to § 26–1506 of this subtitle; and

(9) § 4–213 ("Replacement licenses"), subject to § 26–1517 of this subtitle.

§26–1502.

The Board may issue a license before the construction or alteration of the premises to be licensed is completed.

§26–1503.

(a) Subject to subsection (b) of this section, the Board may not issue a license to an applicant unless the Board is provided verification from the Comptroller and the county that the applicant has:

(1) paid all undisputed taxes payable to the Comptroller and the county; or

(2) provided for payment of the taxes described in item (1) of this subsection in a manner satisfactory to the governmental unit responsible for collection.

(b) If an application for the issuance of a license is made on behalf of a corporation, a club, or any other entity, the verification requirements specified in subsection (a) of this section apply to undisputed taxes payable by each owner or principal of the entity.

§26–1504.

(a) Except as provided in subsection (d) of this section, a license holder may not devote more than 10,000 square feet of floor space to off–sale use.

(b) (1) Except as provided in subsection (d) of this section, floor space is the space devoted to the sale of alcoholic beverages for off–premises consumption, including:

(i) a basement on the licensed premises; and

(ii) any other area off the licensed premises where the alcoholic beverages are lawfully stored.

(2) For a license with only an off–sale privilege, floor space is the space within the four walls of the building from which the licensed establishment operates.

(3) For a license with on–sale and off–sale privileges, floor space is the space actually used for the sale, display, or storage of alcoholic beverages.

(c) (1) The floor space used for the sale, display, or storage of alcoholic beverages may not be expanded beyond 10,000 square feet.

(2) The Board is not required to approve a request by a license holder to expand the floor space devoted to off–sale use up to 10,000 square feet unless the Board finds evidence, based on the evidence presented to the Board, that:

(i) the expansion is necessary to accommodate the public; and

(ii) the license holder otherwise continues to meet the criteria for the issuance or transfer of a license and any other condition that the Board imposes.

(d) (1) A food store for which a license was issued on or before January 1, 1995:

(i) is exempt from the 10,000 square foot floor space restriction under subsection (a) of this section;

(ii) may have the license renewed or ownership or location of the license transferred even if the food store had more than 10,000 square feet devoted to off–sale use; but

(iii) may not expand the square footage of its alcoholic beverages department, including sales, display, and storage areas, beyond 10,000 square feet.

(2) The 10,000 square foot limit specified under paragraph (1)(iii) of this subsection is to be determined without regard to the total area available within the four walls of the establishment.

§26–1505.

(a) Unless otherwise authorized by this article, a person may not have an interest in more than one license issued by the Board, regardless of whether the person acts on the person's own behalf or on behalf of another person.

(b) The prohibition against issuing multiple licenses for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company does not apply if:

(1) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters; and

(2) the licenses were issued before June 1, 1982.

(c) The prohibition against issuing multiple licenses for the same person or premises does not apply to a Class B–ECF/DS license.

§26–1506.

A license is not subject to:

(1) a writ of execution by a judgment creditor of a license holder; or

(2) except as provided in § 26–1507 of this subtitle, a distraint for rent.

§26–1507.

(a) A license holder may create a security interest in the license in favor of a landlord or a creditor of the license holder.

(b) The security interest shall be perfected in accordance with the Commercial Law Article.

(c) The license holder shall deliver to the Board a copy of the underlying security agreement that is signed by or on behalf of the individual or entity that holds the license.

§26–1508.

A license shall expire:

(1) for a Class B license, on the next May 31 after its issuance; and

(2) for a Class C or Class D license, on the next June 30 after its issuance.

§26–1509.

(a) Except as provided in subsection (b) of this section, the Board may not issue a license that has an off–sale privilege to:

(1) an establishment commonly known as a chain store, supermarket, or discount house; or

(2) a franchisor, franchisee, or concessionaire of the establishment.

(b) An establishment described in subsection (a) of this section that held a license on July 1, 1973:

(1) may continue to hold the license; and

(2) at the discretion of the Board, may change the class of the license.

§26–1510.

(a) (1) A person may obtain a Class A license of any kind to have the Board declare the license to be extinguished.

(2) (i) The person shall inform the Board of the purpose for obtaining the license.

(ii) The Board shall declare the license to be extinguished when the person comes into possession of the license.

(3) A person that obtains a license under this section may not exercise the privileges of, sell, assign, or apply for transfer of the license.

(4) A license that is extinguished under this section:

(i) may not be replaced by the Board; and

(ii) counts as one of the number of licenses in the appropriate class listed in § 26–1601 of this title.

(b) Within 10 days after coming into possession of the license from a transfer, the person shall:

(1) surrender the license to the Board; and

(2) provide evidence to satisfy the Board that all taxes or obligations owed by the transferors to wholesalers or other persons have been paid.

(c) The Board may impose on a person who violates this section a penalty not exceeding $1,000.

§26–1511.

(a) (1) The Board may adopt a calendar that establishes:

(i) filing dates by which license applications are required to be filed; and

(ii) hearing dates for license application hearings.

(2) A filing date for a license application shall be at least 60 days before the hearing at which the application is to be heard.

(b) (1) The Board shall determine the number of licenses of each class that may be applied for at a hearing.

(2) The number of licenses that the Board makes available for issuance at a hearing may be less than the total number of licenses in each class that remains unissued by the Board.

(3) If, after a hearing, the applicants who are qualified for the issuance of a license of a certain class outnumber the licenses of that class authorized to be issued at the hearing, the Board shall determine the applicants who are best qualified to be license holders.

(4) The Board may not issue additional licenses of any class that were not determined and published as available for the hearing.

(c) (1) Before holding a hearing, the Board shall publish a notice of the hearing in at least two newspapers of general circulation in the county.

(2) The notice shall be published at least 30 days before the date by which license applications are required to be filed for consideration at the hearing.

(3) The notice shall contain:

(i) the number of licenses of each class that are available for issuance;

(ii) a description of each class;

(iii) the date by which license applications must be filed to be considered at the license application hearing; and

(iv) the date of the hearing.

(d) (1) In addition to any other notice required under this article, the Board shall provide notice of the date, time, and location of a hearing, as soon as

practicable after the hearing is scheduled, to all municipalities, civic associations, homeowners' associations, and condominium associations that:

(i) are within 1 mile of the location of the proposed place of business of the applicant; and

(ii) request to receive notice of hearings by signing up on a registry on the Board's website.

(2) A municipality, civic association, homeowners' association, or condominium association that requests to receive notice of hearings under paragraph (1)(ii) of this subsection may elect to receive written or electronic notice.

§26–1512.

(a) In addition to the newspaper notice required under § 4–208 of this article, the Board shall post a suitable notice in a conspicuous place at the location described in an application for at least 10 days before the application hearing.

(b) A notice under subsection (a) of this section shall state the class of license for which the application is made and the date, time, and location set by the Board for an application hearing.

(c) (1) If the location described in the application is in a municipality, written notice of the application shall be made to the governing body of the municipality.

(2) A municipality that receives written notice under this subsection has standing to appear at the application hearing.

§26–1513.

(a) The Board shall approve an application and issue the license for which application is made if the Board determines that:

(1) issuing the license is necessary for the accommodation of the public;

(2) the applicant is a fit person to receive the license for which application is made;

(3) the applicant has not made a material false statement in the application;

(4) the applicant has not acted fraudulently in connection with the application or the operation of the underlying business;

(5) if the license is issued, the operation of the business will not unduly disturb the peace of the residents of the neighborhood in which the business is to be located; and

(6) there are no other reasons, in the discretion of the Board, why the license should not be issued.

(b) The Board shall maintain a record of licenses issued.

§26–1514.

The Board may impose restrictions on a license holder to enable the Board to carry out the duties imposed on it by this article if the Board develops:

(1) written restrictions that are reasonable, clear, and understandable; and

(2) written regulations to enforce the restrictions that comply with due process, including providing for notice and a hearing.

§26–1515.

The Board may not approve a license application and shall deny the license if the Board determines that more than 50% of the owners of real or leasehold property within 1,000 feet of the location described in the application are opposed to the issuance of the license.

§26–1516.

(a) Except as provided in subsection (b) of this section, if a license is denied, another license application for the same location may not be made for 6 months after the denial.

(b) This section does not apply to:

(1) an application for the transfer of a license; or

(2) a license application that is denied:

(i) because of a legal defect or omission;

(ii) if the Board expressly states that the denial was directed solely against the applicant and not against the location described in the application; or

(iii) if, after a hearing, the Board determines that another applicant is better qualified to be a license holder.

§26–1517.

The fee for a replacement license is $10.

§26–1601.

(a) (1) Except as otherwise provided in this title, the number of licenses in a class issued by the Board may not exceed:

(i) Class A beer, 4;

(ii) Class B beer, 23;

(iii) Class C beer, 3;

(iv) Class D beer, 33;

(v) Class A beer and light wine, 7;

(vi) Class B beer and light wine, 45;

(vii) Class B–GC beer and light wine, 4;

(viii) Class C beer and light wine, 8;

(ix) Class D beer and light wine, 99;

(x) Class A beer, wine, and liquor, 143;

(xi) Class B beer, wine, and liquor, 215;

(xii) Class B–AE beer, wine, and liquor, 15;

(xiii) Class BCE beer, wine, and liquor, 8;

(xiv) Class B–CI beer, wine, and liquor, 2;

(xv) Class B–DD beer, wine, and liquor:

1. under § 26–1614(a)(1) of this subtitle, 4;

2. under § 26–1614(a)(2) of this subtitle, 4;

3. under § 26–1614(a)(3) of this subtitle, 6;

4. under § 26–1614(a)(4) of this subtitle, 6;

5. under § 26–1614(a)(5) of this subtitle, 4;

6. under § 26–1614(a)(6) of this subtitle, 10;

7. under § 26–1614(a)(7) of this subtitle, 3;

8. under § 26–1614(a)(8) of this subtitle, 5;

9. under § 26–1614(a)(9) of this subtitle, 2;

10. under § 26–1614(a)(10) of this subtitle, 1;

11. under § 26–1614(a)(11) of this subtitle, 1;

12. under § 26–1614(a)(12) of this subtitle, 1;

13. under § 26–1614(a)(13) of this subtitle, 1; and

14. under § 26–1614(a)(14) of this subtitle, 10;

(xvi) Class B/ECF beer, wine, and liquor, 1;

(xvii) Class B–ECF/DS beer, wine, and liquor, 2;

(xviii) Class B–ECR beer, wine, and liquor, 1;

(xix) Class B–Stadium (baseball stadium) beer, wine, and liquor, 1;

(xx) Class B–Stadium (football stadium) beer, wine, and liquor, 1;

(xxi) Class B–WPL (waterfront pavilion) beer, wine, and liquor, 3; and

(xxii) Class C beer, wine, and liquor:

1. under § 26–1002 of this title, 1;

2. under § 26–1005 of this title, 12;

3. under § 26–1011 of this title, 25;

4. under § 26–1017 of this title, 30; and

5. under § 26–1019 of this title, 4.

(2) The Board may not issue a new Class A license for or approve the transfer of a Class A license to a location within three–fourths of a mile of a correctional facility, as defined in § 1–101 of the Correctional Services Article, in Upper Marlboro.

(b) This section does not invalidate a license in a class that exceeded the maximum number for the class as of June 1, 1955.

§26–1602.

(a) Except as provided in subsection (b) of this section, in Hyattsville, the Board may issue a license only for:

(1) beer;

(2) light wine; and

(3) liquor for consumption on the premises of a holder of a Class B license.

(b) (1) The Board may approve the transfer of one Class B beer, wine, and liquor license with an off–sale privilege for use in Hyattsville.

(2) The annual fee for a license transferred under paragraph (1) of this subsection is $1,500.

§26–1603.

(a) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, the Board may not issue a new license with an off–sale privilege in, or

approve the transfer of a license with an off–sale privilege into, a part of the 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, or 47th alcoholic beverages district in the county.

(2) The Board may issue a license in or approve the transfer of a license into an area specified in paragraph (1) of this subsection if the off–sale privilege of the license is waived.

(3) The Board may convert one Class D (on–sale) beer and wine license issued for premises in the 7100 block of Baltimore Avenue in College Park to a Class D (on– and off–sale) beer and wine license for premises in the 7100 to 7200 block of Baltimore Avenue in College Park.

(4) The Board may approve the transfer of a Class A beer, wine, and liquor license to a premises located in any area specified in paragraph (1) of this subsection if there is no Class A beer, wine, and liquor license operating within 1 mile of the premises.

(b) The alcoholic beverages districts described in this section at all times are coterminous with the legislative districts, or parts of the legislative districts located in the county, as ordered by the Supreme Court of Maryland on June 21, 2002.

(c) The part of the 21st alcoholic beverages district located in the county consists of:

(1) election district 1;

(2) election district 10, precincts 1 through 5, 9, 12, and 13;

(3) election district 21, precincts 1, 2, 4, 14, 15, and 17;

(4) the part of election district 21, precinct 5 consisting of census tract 8073.05, block 1014; and

(5) the part of election district 21, precinct 10 consisting of:

(i) census tract 8067.03, blocks 1010, 1011, and 1014;

(ii) census tract 8069.00, blocks 1000 through 1019 and 3000 through 3021;

(iii) census tract 8070.00, blocks 1000 through 1025; and

(iv) census tract 8074.08, blocks 4015 and 4016.

(d) The 22nd alcoholic beverages district consists of:

(1) election district 19;

(2) election district 2, precincts 6 and 10;

(3) election district 14, precinct 8;

(4) election district 16, precincts 2 through 5;

(5) election district 17, precincts 9 and 12;

(6) election district 20, precincts 1, 2, 6, 7, and 11;

(7) election district 21, precincts 3, 6 through 9, 11 through 13, and 16;

(8) the part of election district 2, precinct 5 consisting of:

(i) census tract 8039.00, blocks 1000 through 1013, 2000 through 2007, and 3000 through 3015;

(ii) census tract 8040.01, blocks 2001 and 2002; and

(iii) census tract 8040.02, blocks 1003, 1010, 2000 through 2002, and 2004;

(9) the part of election district 2, precinct 8 consisting of census tract 8063.00, block 2016;

(10) the part of election district 16, precinct 1 consisting of:

(i) census tract 8040.02, blocks 2049 and 2995;

(ii) census tract 8063.00, blocks 1000, 1012 through 1035, 1996 through 1999, 2001, 2003 through 2015, and 2997 through 2999; and

(iii) census tract 8065.01, blocks 2996, 2997, 3011 through 3015, 3996, and 3997; and

(11) the part of election district 21, precinct 10 consisting of:

(i) census tract 8067.03, block 1001; and

(ii) census tract 8074.08, block 4014.

(e) The 23rd alcoholic beverages district consists of:

(1) delegate district 23A (two member delegate district) consisting of:

(i) election district 7, precincts 1 through 5;

(ii) election district 10, precincts 6 through 8, 10, and 11;

(iii) election district 14, precincts 1 through 7, 9, and 10;

(iv) election district 20, precincts 9 and 10; and

(v) the part of election district 20, precinct 5 consisting of:

1. census tract 8004.08, blocks 2013, 2020, 2021, and 2022;

2. census tract 8036.07, blocks 3009 through 3011; and

3. census tract 8036.08, blocks 1000 through 1002, 1005 through 1009, 1011 through 1015, 2000 through 2006, and 2008 through 2010; and

(2) delegate district 23B (single member delegate district) consisting of:

(i) election district 3, precincts 2 and 3; and

(ii) election district 7, precincts 6 through 11.

(f) The 24th alcoholic beverages district consists of:

(1) election district 6, precincts 3, 6, 9, 12, 15, and 19;

(2) election district 13, precincts 1, 3, 5, 7, 8, 10, and 14 through 17;

(3) election district 18, precincts 1 through 4 and 7 through 11;

(4) election district 20, precincts 4 and 8;

(5) the part of election district 18, precinct 5 consisting of:

(i) census tract 8031.00, blocks 1003 through 1015, 1021, 1022, 1024 through 1029, and 2000 through 2017; and

(ii) census tract 8033.00, blocks 3006 and 3008; and

(6) the part of election district 18, precinct 6 consisting of census tract 8028.04, blocks 4005 and 4006.

(g) The 25th alcoholic beverages district consists of:

(1) election district 3, precinct 4;

(2) election district 6, precincts 1, 4, 5, 7, 10, 11, 14, 16, 18, and 20 through 23;

(3) election district 7, precinct 12;

(4) election district 9, precincts 1, 3, 10, and 11;

(5) election district 13, precincts 4, 6, 9, and 11 through 13;

(6) election district 15, precinct 2; and

(7) the part of election district 18, precinct 6 consisting of census tract 8028.04, blocks 1006 through 1009, 2000 through 2003, 3000 through 3021, 4000, and 4002 through 4004.

(h) The 26th alcoholic beverages district consists of:

(1) election district 12;

(2) election district 5, precincts 2, 3, and 5 through 7;

(3) election district 6, precincts 2, 8, 13, and 17; and

(4) election district 9, precincts 2 and 5.

(i) The part of the 27th alcoholic beverages district located in the county is in delegate district 27A (two member delegate district) and consists of:

(1) election districts 4, 8, and 11;

(2) election district 3, precinct 1;

(3) election district 5, precincts 1, 4, and 8;

(4) election district 9, precincts 4 and 6 through 9; and

(5) election district 15, precincts 1, 3, and 4.

(j) The 47th alcoholic beverages district consists of:

(1) election district 2, precincts 1 through 4, 7, and 9;

(2) election district 13, precinct 2;

(3) election district 17, precincts 1 through 8, 10, 11, 13, and 14;

(4) election district 20, precinct 3;

(5) the part of election district 2, precinct 5 consisting of:

(i) census tract 8040.01, block 2000; and

(ii) census tract 8040.02, block 2003;

(6) the part of election district 2, precinct 8 consisting of:

(i) census tract 8039.00, blocks 3016 and 3017;

(ii) census tract 8040.01, blocks 1000 through 1006, 2003, and 2004;

(iii) census tract 8040.02, blocks 1000, 1001, 1002, 1004 through 1009, 1011 through 1017, 2005, 2006, 2007, 2009 through 2034, 2040, 2047, 2048, 2994, and 2996 through 2999; and

(iv) census tract 8043.00, blocks 1000 through 1005, 1011, and 1014 through 1018;

(7) the part of election district 16, precinct 1 consisting of census tract 8040.02, block 2008;

(8) the part of election district 18, precinct 5 consisting of:

(i) census tract 8031.00, blocks 1000, 1001, 1002, 1016 through 1020, and 1023; and

(ii) census tract 8033.00, block 3007;

(9) the part of election district 20, precinct 5 consisting of:

(i) census tract 8036.01, blocks 1001 through 1005; and

(ii) census tract 8036.08, blocks 1003, 1004, 1010, 2007, 3000 through 3005, 4000, and 4002 through 4011; and

(10) the part of election district 21, precinct 5 consisting of:

(i) census tract 8073.01, block 1001; and

(ii) census tract 8073.05, blocks 1002 through 1013, 2001 through 2009, and 2011 through 2014.

§26–1604.

(a) This section does not apply to:

(1) a holder of a Class B (RT) beer, wine, and liquor license, a Class BH (hotel) license, a Class BLX license, a Class BCE license, a Class B–DD (development district) license, a Class B–TP (theme park) license, a Class B–AE (arts and entertainment) license, or a per diem license;

(2) an establishment that is within:

(i) the 500–foot restricted distance of a place of worship, if the governing body of the place of worship consents in writing to the issuance of the license and the consent is filed with the license application; or

(ii) the 1,000–foot restricted distance of a private kindergarten or nursery school;

(3) a renewal or extension of a license issued for an establishment that is within the 500–foot restricted distance of a place of worship or the 1,000–foot restricted distance of a school building;

(4) (i) a transfer of a license within 1,000 feet of a place of worship or a school building to another establishment within the same restricted distance; or

(ii) an assignee of a license within the same distance of the same place of worship or school building;

(5) the issuance of a license for an establishment to which a license of the same class had been issued and was in effect on June 1, 1965;

(6) the renewal of a license if a place of worship or school was built within 1,000 feet of the establishment after the original issuance of the license; and

(7) the issuance of a license for an establishment that is within 500 feet of a place of worship or within 1,000 feet of a school building if a license of the same class had been issued and was:

(i) held by the same person seeking the new license; and

(ii) in effect for the establishment before the place of worship or school building was built.

(b) (1) Except as provided in subsections (c) and (d) of this section, the Board may not issue a license for an establishment that is within 500 feet of a place of worship or within 1,000 feet of a school building.

(2) The distance from an establishment to a place of worship or school is to be measured from the front door or main entrance of the establishment, whichever is nearest the street abutting the site, along the nearest usual pedestrian route to:

(i) the closest door that is used as an entrance or exit to the school; or

(ii) the main entrance of the place of worship.

(c) The restriction on the distance between the location of a school and a licensed premises does not apply to a Class B–ECF/DS license.

(d) (1) In the part of the Gateway Arts and Entertainment District located in Hyattsville, as designated by the Secretary of Commerce, the front door or main entrance of an establishment for which a Class D beer and wine license is issued may be used if the door or entrance is at least 350 feet from a place of worship.

(2) In College Park, the Board may issue a license for an establishment that is more than 400 feet from a school building if the land on which the establishment is located is in a commercial district.

(3) In Laurel, the Board may issue a license for an establishment regardless of its distance from a place of worship.

§26–1605.

The Board may not issue a license for use in an establishment with a commercial fuel pump that is:

(1) on the site; and

(2) used by the public to purchase fuel.

§26–1606.

(a) Except as provided in subsection (b) of this section and § 26–1616(b)(2) of this subtitle, the Board may not issue a license for use on the site of a movie theater.

(b) This section does not prohibit the issuance of a Class B–DH (drafthouse) license for use on the site of a drafthouse, as defined in § 26–1007 of this title.

§26–1607.

(a) A license with an off–sale privilege may not be issued or used if the license applicant or license holder proposes or restricts the sale of alcoholic beverages to a specific group or limited membership.

(b) A license holder who restricts the sale of alcoholic beverages to a specific group or limited membership shall:

(1) report the restriction to the Board within 30 days after the restricted sale began; and

(2) surrender the license to the Board.

§26–1608.

While a holder of a Class –TP type license issued by the Montgomery County Board of License Commissioners remains in the same location where the license was located on July 1, 1997, the Prince George's County Board of License Commissioners may not issue or approve the transfer of a license for an establishment that is within 300 feet of that location.

§26–1611.

(a) An interest shall be conclusively presumed to exist between two license holders or a license holder and an applicant for a license if any of the following conditions exist between them:

(1) a franchise agreement;

(2) a licensing agreement;

(3) a concession agreement;

(4) both are part of a chain of businesses commonly owned and operated and so portrayed to the public;

(5) any sharing of directors or stockholders or any sharing of directors or stockholders of parents or subsidiaries;

(6) common direct or indirect sharing of profit from the sale of alcoholic beverages; or

(7) sharing of a common trade name, trademark, logo, or theme, or mode of operation identifiable by the public, except hotels and motels.

(b) (1) The Board shall make determinations under this section without regard to whether a particular license holder or proposed license holder is or may be an independent contractor for purposes other than the application of this section.

(2) If the Board determines after a hearing that an interest exists in more than one license, the Board shall refuse to issue a new license or shall revoke an existing license unless the license is operational and complied with law applicable at the time of the issuance of the license.

(c) A wholesale license holder is considered a license holder for purposes of this section and may not hold or have an interest, directly or indirectly, in a license of a class that authorizes retail sale of alcoholic beverages in the county.

§26–1612.

(a) This section does not apply to a restaurant within a chain store, supermarket, discount house, drug store, or convenience store.

(b) The Board may allow a person to hold or have an interest in more than one Class B beer, wine, and liquor license if the restaurant for which the license is sought is within:

(1) any of the following areas that are underserved by restaurants:

(i) Suitland business district, consisting of properties fronting on or having access to Silver Hill Road between Suitland Parkway and Sunset Lane, and on Suitland Road between Arnold Road and Eastern Lane;

(ii) part of the Port Towns business district, consisting of properties fronting on or having access to Rhode Island Avenue, Bladensburg Road, Annapolis Road, or 38th Street, in legislative district 22; or

(iii) Largo area, consisting of properties within the area bounded by:

1. the Capital Beltway (I–495) on the west;

2. Central Avenue and Landover Road on the south and southeast;

3. Campus Way North on the east; and

4. Route 214 and Landover Road on the north and northwest; or

(2) (i) a waterfront entertainment retail complex as defined by a county zoning ordinance; or

(ii) a commercial establishment on 100 or more acres that is designated by the County Executive as a recreational, destination, or entertainment attraction.

(c) (1) Except as provided in paragraph (2) of this subsection, a license holder may not hold more than four Class B beer, wine, and liquor licenses within all of the underserved areas described in subsection (b)(1) of this section.

(2) (i) A license holder may be issued or transferred a fifth Class B beer, wine, and liquor license only if the date of the application for the fifth license is at least 1 year after the date the license holder was issued or transferred the fourth license.

(ii) A license holder may be issued or transferred a sixth Class B beer, wine, and liquor license only if the date of the application for the sixth license is at least 1 year after the date the license holder was issued or transferred the fifth license.

(d) A person that holds or has an interest in a license in an underserved area described in subsection (b)(1) of this section may not hold or have an interest in more than one license located outside all the underserved areas.

(e) A person may not hold or have an interest in more than one license in a commercial establishment described in subsection (b)(2) of this section.

(f) A Class B license obtained under this section does not confer an off–sale privilege.

(g) The limit on the maximum number of Class B beer, wine, and liquor licenses in the county under § 26–1601 of this subtitle applies to the issuance of licenses under this section.

(h) The annual license fee for a Class B license obtained under this section is $2,500.

§26–1613.

(a) There is a Class B–DD (Development District) 7–day beer, wine, and liquor license.

(b) (1) The Board may issue the license for use in a restaurant in any single area designated in § 26–1614 of this subtitle.

(2) Except as provided in paragraph (3) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(3) (i) Notwithstanding any other provision of this title, for each area designated in § 26–1614 of this subtitle that is not located inside the Capital Beltway, the Board may issue the license with an off–sale privilege for use in one restaurant in the area if:

1. the restaurant has at least 100 permanent seats;

2. the combined area of the kitchen, bar, and dining area of the restaurant, including permanent year–round outdoor seating, is greater than 3,500 square feet;

3. the restaurant is located at least 1 mile away from any other establishment that holds a Class A beer, wine, and liquor license or a Class B–Plus beer, wine, and liquor license that is exercising its off–sale privileges;

4. the restaurant has a minimum capital investment of more than $1,000,000, excluding the costs of the land, building, or lease;

5. the individual applicants holding a combined ownership interest of at least 75% in the restaurant have operated a restaurant in the county that has held an alcoholic beverages license under this title for at least 7 years prior to the filing of an application for a license under this section;

6. the restaurant is open at least 5 days per week and serves lunch and dinner at least five times per week; and

7. the restaurant does not hold an ownership interest in more than two restaurants that hold a license under this section with an off–sale privilege.

(ii) A holder of a license under this section with an off–sale privilege shall maintain "off–sale" shelves or counters in an area of the licensed premises that is:

1. partitioned or otherwise separated from the main bar and the usual serving area for on–premises consumption; and

2. contiguous to the restaurant.

(iii) The portion of the restaurant dedicated to the sale of alcoholic beverages for off–premises consumption may not:

1. be considered when calculating the square footage of the restaurant under subparagraph (i)2 of this paragraph; and

2. be greater than 3,500 square feet.

(iv) Off–sale privileges under the license authorize the license holder to sell beer, wine, and liquor for off–premises consumption on Monday through Sunday, from 9:00 a.m. to 10:00 p.m.

(c) (1) An applicant for a license for a restaurant in a single area described in § 26–1614 of this subtitle is not eligible for a Class B–DD license unless:

(i) the restaurant meets all of the requirements set out in paragraph (2) of this subsection; and

(ii) the average daily receipts of the restaurant from the sale of food and nonalcoholic beverages exceed the average daily receipts of the restaurant from the sale of alcoholic beverages for on–premises consumption only.

(2) A restaurant shall:

(i) be located in a permanent building with sufficient space and accommodations for preparing, serving, and selling hot meals to the public during the restaurant's hours of operation;

(ii) have the minimum sanitary facilities required by the county health department regulations;

(iii) meet the minimum health requirements adopted by the county health department regulations;

(iv) have a dining area with sufficient tables, chairs, or booths to comfortably seat and accommodate the public;

(v) be equipped with a kitchen that has complete facilities and utensils for preparing hot and cold meals for the public;

(vi) employ a sufficient number of cooks and wait staff to serve the public using the dining area;

(vii) maintain and display a menu that advertises the serving of a variety of hot meals; and

(viii) maintain sufficient food on the premises at all times to fill an order made from the menu.

(3) The Board may revoke a license to enforce this subsection.

(4) The license holder shall submit to the Board a monthly report of the restaurant's average daily receipts from the sale of food and nonalcoholic beverages and the restaurant's average daily receipts from the sale of alcoholic beverages to verify that the restaurant has met the requirements of paragraph (1) of this subsection.

(d) (1) Except as provided in paragraph (2) of this subsection, the Board shall determine:

(i) the number of licenses to be issued;

(ii) to whom the licenses may be issued; and

(iii) the number of licenses each recipient may hold.

(2) The Board may not issue the license for use by a restaurant in a single area described in § 26–1614 of this subtitle if the applicant is the license holder of three Class B–DD licenses.

(e) (1) A license holder may hold a Class B–DD license in addition to any other license issued under this article.

(2) Subject to paragraph (3) of this subsection, for each Class B–DD license a person is issued, the person may obtain one other Class B license located anywhere in the county if all requirements for the Class B license are met.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a Class B license that is issued for use in a restaurant in a development district under § 26–1614 of this subtitle to a holder of a Class B–DD license remains in effect only as long as the restaurant in the development district remains open for business as a restaurant.

(ii) If a restaurant in the development district is closed for not more than 6 months, the Class B license shall remain in effect.

(f) The Board may approve the transfer of the ownership of a license for use at the same location but not for use at a different location.

(g) The Board may not issue the license for use by a restaurant in a chain store, supermarket, discount house, drug store, or convenience store.

(h) (1) Except as provided in paragraph (2) of this subsection, the annual license fee is $3,025.

(2) The annual license fee for a license with an off–sale privilege issued under subsection (c)(3) of this section is $5,000.

§26–1614.

(a) The Board may issue:

(1) up to four Class B–DD (Development District) licenses for restaurants located within the Capital Plaza commercial area, consisting of commercial properties within the area bounded by the Baltimore–Washington

Parkway on the west and northwest, Maryland Route 450 on the south, and Cooper Lane on the east and northeast;

(2) up to four Class B–DD (Development District) licenses for restaurants located within the area of Greenbelt Station, located inside the Capital Beltway and adjacent to the Greenbelt Metro Station;

(3) up to six Class B–DD (Development District) licenses for restaurants located within the area of Ritchie Station Marketplace;

(4) subject to subsection (b) of this section, up to six Class B–DD (Development District) licenses for restaurants located within the Towne Centre at Laurel;

(5) up to five Class B–DD (Development District) licenses to restaurants located within the area of Riverdale Park Station inside the Capital Beltway and adjacent to U.S. Route 1;

(6) up to two Class B–DD (Development District) licenses to restaurants located within the area of Riverdale Park Town Center, bounded by Rhode Island Avenue on the west and Queensbury Road on the south;

(7) up to two Class B–DD (Development District) licenses to restaurants located within the Buena Vista West mixed–use development, located in the northwest quadrant of the intersection of MD–704/Martin Luther King Jr. Highway and MD–450/Annapolis Road;

(8) up to five Class B–DD (Development District) licenses to restaurants located within the South Lake mixed–use development, located in the southwest quadrant of the intersection of MD–214/Central Avenue and US–301/Crain Highway;

(9) up to two Class B–DD (Development District) licenses to restaurants located within the Clinton Marketplace mixed–use development, located in the southwest quadrant of the intersection of MD–223/Piscataway Road and Brandywine Road;

(10) one Class B–DD (Development District) license to a restaurant located within 1.5 miles surrounding Rivertowne Commons, at the intersection of Livingston Road and Oxon Hill Road;

(11) one Class B–DD (Development District) license to a restaurant located at the intersection of Route 373 and Route 210/Indian Head Highway;

(12) one Class B–DD (Development District) license to a restaurant located within 1.5 miles surrounding Iverson Mall, at the intersection of Iverson Street and Branch Avenue;

(13) one Class B–DD (Development District) license to a restaurant located within 1 mile surrounding the intersection of East–West Highway and Belcrest Road;

(14) up to 10 Class B–DD (Development District) licenses to restaurants located within the Carillon development, located near the Arena Drive exit of the Capital Beltway;

(15) up to 50 Class B–DD (Development District) licenses to restaurants located on Central Avenue, within the area from the Capital Beltway to the District of Columbia border; and

(16) up to five Class B–DD (Development District) licenses to restaurants located within Main Street Laurel, from northbound Washington Boulevard to 7th Street, between the Patuxent River to the north and Prince George Street to the south.

(b) (1) Subject to paragraph (2) of this subsection, the Board may convert one Class B–DD license to a Class A beer, wine, and liquor license, to be issued to an establishment in the Towne Centre at Laurel.

(2) If the Board converts a Class B–DD license to a Class A beer, wine, and liquor license under paragraph (1) of this subsection, the Board may not issue more than five Class B–DD licenses under subsection (a)(4) of this section.

§26–1615.

The Board may authorize a person to hold or have an interest in an unlimited number of BH licenses.

§26–1616.

(a) There is a Class BLX license.

(b) The Board may issue the license for use in:

(1) a luxury–type restaurant, as defined in regulations of the Board, that has:

(i) a minimum capital investment of $1,000,000 for a dining room facility and kitchen equipment, not including the cost of the land, building, or lease; and

(ii) seating for at least 100 individuals; and

(2) subject to subsection (c) of this section, a movie theater if:

(i) the owner or operator of the movie theater has invested at least $5,000,000 in renovating or remodeling the movie theater;

(ii) excluding candy and popcorn, the average daily receipts from the sale of food of the movie theater exceed the average daily receipts from the sale of alcoholic beverages; and

(iii) any employee who serves alcoholic beverages is certified by an approved alcohol awareness program.

(c) The Board may not issue a Class BLX license to a movie theater in the 26th legislative district.

(d) The holder of a Class BLX license issued for a movie theater may serve only customers who have proof of admission to the movie theater.

(e) (1) If the criteria under subsection (b)(1) of this section are met, the Board may issue or transfer one Class BLX license for use in a luxury–type restaurant on behalf of:

(i) the county;

(ii) the Maryland–National Capital Park and Planning Commission; or

(iii) a private concessionaire under contract with:

1. the county; or

2. the Maryland–National Capital Park and Planning Commission.

(2) The Board may determine:

(i) the number of licenses to be issued;

(ii) to whom the license may be issued; and

(iii) whether a holder of an alcoholic beverages license may have an interest in one Class BLX license.

(3) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(f) (1) Subject to paragraphs (2) and (3) of this subsection, a person may not hold more than 15 Class BLX licenses.

(2) The Board may issue:

(i) a fifth license to a license holder only if the date of application for the fifth license is at least 1 year after the date the license holder was issued the fourth license; and

(ii) a sixth license only if the date of application for the sixth license is at least 1 year after the date the license holder was issued the fifth license.

(3) In determining whether to issue a fifth, sixth, or subsequent license to a single license holder, the Board:

(i) shall consider the number of licensed establishments existing in the area surrounding the site of the proposed licensed establishment; and

(ii) may issue an additional license only if the Board determines that the proposed licensed establishment will enhance the recreational, business, and economic development of the area.

(g) The profit realized from the sale of an alcoholic beverage under a license issued under subsection (e)(1) of this section may be for the use and benefit of the license holder.

(h) (1) This subsection applies only to a license that is issued for an establishment that is located on the campus of the University of Maryland, College Park within an area that is bounded as follows: from the intersection of Rossborough Lane and Diamondback Drive, north on Diamondback Drive to the intersection with Campus Drive, southeast on Campus Drive to the point where Campus Drive runs directly parallel to Rossborough Lane where it intersects with Rhode Island Avenue, south from the roadway of Campus Drive to the intersection of Rossborough Lane and Rhode Island Avenue, then northwest along Rossborough Lane back to the intersection of Rossborough Lane and Diamondback Drive.

(2) Notwithstanding § 26–1103.1 of this title, the license holder may offer entertainment when individuals under the age of 21 years are present if:

(i) the license holder enters into an agreement with the College Park City–University Partnership, the city of College Park, and the University of Maryland to work together to provide a quality restaurant experience and appropriate community–oriented entertainment targeted toward both the local and campus communities; and

(ii) the lease of the property on which the licensed premises is located includes provisions that require the license holder to:

1. immediately notify the landlord of any violation or citation relating to the license;

2. work closely with the College Park City–University Partnership and its members to maintain a safe and healthy community–oriented establishment;

3. provide to the College Park City–University Partnership and its members each month a list of upcoming events;

4. participate in reviews;

5. maintain and operate the facility in a manner that is safe, healthy, and community–oriented; and

6. refrain from advertisements or inducements that may be interpreted to encourage consumption of alcoholic beverages by underage patrons.

(3) The agreement under paragraph (2)(i) of this subsection shall provide that:

(i) live music and entertainment will generally start by 8:00 p.m. or 9:00 p.m. and end by midnight, but may on occasion occur between 8:00 a.m. and 8:00 p.m.;

(ii) if an event is anticipated to extend later than midnight, the license holder shall inform and request comment from the University of Maryland and the College Park City–University Partnership; and

(iii) the license holder shall employ appropriate levels of security for every live music and entertainment event.

(4) The license holder shall meet with the College Park City–University Partnership Board of Directors every 6 months to review reports and security measures and to assist in improvement of community–oriented events.

(5) The license holder shall indemnify the College Park City–University Partnership for any recommendations the license holder makes to the Board.

(i) The annual license fee is $3,875.

§26–1617.

(a) There is a Class B–RD (revitalization district) license.

(b) (1) The Board may issue the license to an applicant that:

(i) is located and remains in:

1. a designated Maryland main street with a local management authority;

2. a designated revitalization area; or

3. an area with a revitalization plan that has been adopted locally;

(ii) has gross sales:

1. that do not exceed $150,000 per year; and

2. of which at least 80% are derived from the sale of food; and

(iii) is primarily a restaurant at which customers are seated to eat.

(2) The license authorizes the holder to sell liquor at retail for on–premises consumption in any premises licensed for Class B–RD sales.

(c) The hours and days for sale are as provided in § 26–2005(h) of this title.

(d) The Board shall determine the number of licenses to be issued.

(e) The annual license fee is $725.

§26–1618.

(a) This section does not apply to a restaurant located in a chain store, supermarket, discount house, drug store, or convenience store.

(b) In accordance with the license quota limitations under § 26–1601 of this subtitle, the Board may issue or transfer a Class B beer (on–sale) license or Class B beer and wine (on–sale) license for use by:

(1) a franchisee who operates a restaurant under a franchise agreement with a franchisor; or

(2) a person who operates a restaurant under a business licensing agreement that:

(i) is made with a licensor; and

(ii) authorizes a person, in the operation of a restaurant, to use a trademark, trade name, or other identifying symbol owned by a licensor.

(c) The Board may issue or transfer a license under subsection (b) of this section regardless of whether a Class B beer (on–sale) license or Class B beer and wine (on–sale) license has been issued or transferred for use by:

(1) another franchisee operating a restaurant under a franchise agreement with the same franchisor; or

(2) another person operating a restaurant under a business licensing agreement with the same licensor.

(d) A licensor or franchisor:

(1) is prohibited from having an ownership interest in an entity that receives a Class B beer (on–sale) license or Class B beer and wine (on–sale) license under this section; but

(2) under a business licensing agreement or franchise agreement, may be paid a fee that is based on a percentage of revenue by a person that receives a Class B beer (on–sale) license or Class B beer and wine (on–sale) license.

§26–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house"); and

(2) § 4–304 ("Compliance with Bulk Transfers Act required").

(b) Section 4–306 ("Substitution of names of officers on license") of Division I of this article does not apply in the county and is superseded by § 26–1708 of this subtitle.

(c) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory"), subject to § 26–1709 of this subtitle; and

(2) § 4–305 ("Filing fee and endorsement"), subject to § 26–1706 of this subtitle.

§26–1702.

(a) The Board may not approve the transfer of a license from one location to another:

(1) except as provided in subsection (b) of this section, for at least 2 years after the issuance of a new license; and

(2) unless the Board determines that:

(i) the transfer to the new location is necessary to accommodate the public; and

(ii) the transferee has complied with the residency requirements specified in § 26–1406(c) of this title.

(b) Subject to the approval of the Board, a receiver or trustee may transfer ownership and location of a license for the benefit of creditors of a license holder within 6 months after:

(1) appointment as the receiver or trustee; or

(2) the death of the license holder.

(c) (1) The Board may approve a transfer of location or ownership within 2 years after a transfer of location has been authorized.

(2) This paragraph does not prohibit a transfer of ownership for continuance of a business in the same location, unless there has been a transfer of location for the license within 2 years.

(d) A transfer of a license in accordance with a security agreement is subject to approval by the Board like any other license transfer, except that the written consent and cooperation of the existing license holder is not required.

(e) (1) In addition to any other notice required under this article, the Board shall provide notice of the time, date, and location of a hearing, as soon as practicable after a hearing for a license transfer is scheduled, to all municipalities, civic associations, homeowners' associations, and condominium associations that:

(i) are within 1 mile of the location of the proposed place of business of the applicant; and

(ii) request to receive notice of hearings by signing up on a registry on the Board's website.

(2) A municipality, civic association, homeowners' association, or condominium association that requests to receive notice of hearings under paragraph (1)(ii) of this subsection may elect to receive written or electronic notice.

§26–1703.

The Board may not approve the transfer of a license that has an off–sale privilege to:

(1) an establishment commonly known as a chain store, supermarket, or discount house; or

(2) a franchisor, franchisee, or concessionaire of the establishment.

§26–1704.

The residency requirements under § 26–1406(c) of this title apply to a transfer of a license.

§26–1705.

A hearing on an application for a license transfer shall occur and follow the requirements for a hearing on an application for a new license under §§ 26–1511 through 26–1513 of this title.

§26–1706.

The fee for a transfer of a license is $500.

§26–1707.

The Board may not transfer a license to an establishment with a commercial fuel pump on a premises that the public uses to purchase fuel.

§26–1708.

(a) For a Class C beer, wine, and liquor license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

(1) has died;

(2) has retired; or

(3) no longer holds an office in the corporation or club.

(b) The license holder shall file an affidavit with the Board that contains:

(1) the substitution of the officer; and

(2) an explanation for the substitution.

(c) On receipt of the affidavit, the Board shall:

(1) amend its record; and

(2) issue a corrected license.

§26–1709.

(a) Subject to subsection (b) of this section, if a transfer and issuance of a license is sought, the Board may approve the transfer, but condition the actual issuance of the license to the transferee on verification:

(1) of payment of all undisputed taxes payable by the transferor to the Comptroller or the county; or

(2) that payment of the taxes described in item (1) of this subsection has been provided for in a manner satisfactory to the governmental unit responsible for collection.

(b) If the license of the transferor was issued on behalf of a corporation, club, or other entity, the verification requirements specified in subsection (a) of this section apply to undisputed taxes payable by each owner or principal of the entity.

§26–1710.

Section 26–1515 of this title does not apply to an application for a transfer of a license for the same premises.

§26–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–408 ("Issuance of renewed licenses");

(4) § 4–409 ("Multiple licenses"); and

(5) § 4–410 ("Chain store, supermarket, or discount house").

(b) Section 4–404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 26–1802 of this subtitle.

(c) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county:

(1) § 4–405 ("Contents of renewal application"), subject to § 26–1804 of this subtitle;

(2) § 4–406 ("Protests"), subject to § 26–1803 of this subtitle; and

(3) § 4–407 ("Denial of renewal application"), subject to § 26–1806 of this subtitle.

§26–1802.

(a) Subject to subsection (b) of this section, to renew a license, a license holder shall file a license renewal application with the Board in accordance with the following schedule of renewal deadlines and license expiration dates:

(1) for a Class A license, which shall expire on April 30, the application deadline is March 1;

(2) for a Class B license, which shall expire on May 31, the application deadline is April 1; and

(3) for a Class C and a Class D license, both of which shall expire on June 30, the application deadline is May 1.

(b) The Board may extend the deadline by which a license holder must file a license renewal application.

§26–1803.

(a) A protest of a license renewal shall be filed with the Board on or before March 1.

(b) A municipality in which the licensed premises is located may make a protest of a license renewal after holding a public hearing concerning the protest.

(c) (1) In addition to any other notice required under this article, the Board shall provide notice of the time, date, and location of a hearing, as soon as practicable after the hearing is scheduled, to all municipalities, civic associations, homeowners' associations, and condominium associations that:

(i) are within 1 mile of the location of the proposed place of business of the applicant; and

(ii) request to receive notice of hearings by signing up on a registry on the Board's website.

(2) A municipality, civic association, homeowners' association, or condominium association that requests to receive notice of hearings under paragraph (1)(ii) of this subsection may elect to receive written or electronic notice.

§26–1804.

A license holder may renew the license without obtaining a consent statement from the owner of the building that contains the licensed premises if:

(1) the license holder has a lease on the entire building for at least the term of the renewed license; and

(2) the building owner has previously filed a consent statement with the original or another renewal application.

§26–1805.

The Board may not require a license renewal applicant to hold a lease on the licensed premises for the full term or any portion of the license renewal period.

§26–1806.

(a) Except as provided in subsection (c) of this section, the Board may approve or deny a license renewal if the license holder or a stockholder of the corporation that uses the license has been convicted of a felony.

(b) The Board:

(1) shall hold a public hearing before approving or denying the license renewal; and

(2) may inquire into all relevant facts and circumstances concerning the felony offense at the hearing.

(c) In the case of a conviction for a felony that is related to operations under the license, the Board may not approve a license renewal for a license holder or stockholder of a corporation that uses the license until at least 10 years have elapsed after the date of the felony conviction.

§26–1807.

(a) Before a license may be renewed, the Board shall verify:

(1) (i) through the Comptroller, that the license holder has paid all undisputed taxes payable to the Comptroller; and

(ii) through the county, that the license holder has paid all undisputed taxes payable to the county; or

(2) that the license holder has provided for payment of the taxes described in item (1) of this subsection in a manner satisfactory to the governmental unit responsible for the collection.

(b) If the information provided to the Board states that the license holder owes undisputed taxes and has not provided for payment in a manner satisfactory to the governmental unit responsible for collection, the Board may not renew the license.

(c) If the license was issued on behalf of a corporation, club, or other entity, the renewal requirements in subsection (a) of this section apply to undisputed taxes payable by each owner or principal of the entity.

§26–1808.

Except for a Class B–WPL (waterfront pavilion) beer, wine, and liquor license, the residency requirements under § 26–1406(c) of this title apply to a renewal of a license.

§26–1809.

Notwithstanding § 26–1509 of this title, the holder of a license that has an off–sale privilege may renew the license if the holder of the license is:

(1) an establishment commonly known as a chain store, supermarket, or discount house; or

(2) a franchisor, franchisee, or concessionaire of the establishment.

§26–1810.

Section 26–1515 of this title does not apply to an application for a license renewal for the same premises.

§26–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 26–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 26–1902.1 of this subtitle.

§26–1902.

An individual under the age of 18 years may not be employed to sell, deliver, or otherwise deal with alcoholic beverages.

§26–1902.1.

(a) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(1) be certified by an approved alcohol awareness program; and

(2) be present on the licensed premises at all times when alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a $250 fine;

(2) for a second offense, a $500 fine; and

(3) for each subsequent offense, a fine not exceeding $1,000 or a suspension or revocation of the license, or both.

§26–1903.

A license holder may not impose a cover charge, offer facilities for patron dancing, or provide entertainment unless the license holder:

(1) is authorized to do so under this article; and

(2) meets all requirements of county law.

§26–1904.

An individual regardless of age may enter or remain on a licensed premises if a bowling alley is on the licensed premises and in use.

§26–2001.

(a) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(b) An owner, an operator, or a manager of a premises licensed under this title or a holder of an on–sale license may not allow alcoholic beverages to be consumed on the premises licensed under this title:

(1) from 2 a.m. to 6 a.m.; or

(2) if the holder may sell alcoholic beverages under § 26–2005 of this subtitle, from 3 a.m. to 6 a.m.

(c) (1) An individual found consuming alcoholic beverages on the premises or in a place during the hours prohibited under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

(2) An owner, a manager, or an employee of a premises or place who knowingly allows consumption during the hours prohibited under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 2 years or both.

§26–2002.

(a) (1) A holder of a Class A beer license may sell beer on Monday through Saturday, from 6 a.m. to midnight.

(2) A license holder that offers for sale commodities that are not alcoholic beverages and is open on Sunday shall keep all alcoholic beverages on the premises that are stored in areas open to the public in a separate beverage department that is securely closed and locked from midnight on Sunday to 6 a.m. on Monday.

(b) (1) Subject to paragraph (2) of this subsection, a holder of a Class B beer license may sell beer:

(i) for on–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for off–premises consumption, from 6 a.m. to midnight.

(2) The license holder may not sell beer for on–premises consumption:

(i) except as provided in § 26–2005 of this subtitle, from 2 a.m. to 6 a.m.; and

(ii) at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

(c) (1) Subject to paragraph (2) of this subsection, a holder of a Class C beer license may sell beer from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

(d) (1) Subject to paragraph (2) of this subsection, a holder of a Class D beer license may sell beer:

(i) for on–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for off–premises consumption, from 6 a.m. to midnight.

(2) The license holder may not sell beer for on–premises consumption from 2 a.m. to 6 a.m.

§26–2003.

(a) (1) A holder of a Class A beer and light wine license may sell beer and light wine on Monday through Saturday, from 6 a.m. to midnight.

(2) A license holder that offers for sale commodities that are not alcoholic beverages and is open on Sunday shall keep all alcoholic beverages on the premises that are stored in areas open to the public in a separate beverage

department that is securely closed and locked from midnight on Sunday to 6 a.m. on Monday.

(b) (1) Subject to paragraph (2) of this subsection, a holder of a Class B beer and light wine license may sell beer and light wine:

(i) for on–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for off–premises consumption, from 6 a.m. to midnight.

(2) The license holder may not sell beer or light wine for on–premises consumption:

(i) except as provided in § 26–2005 of this subtitle, from 2 a.m. to 6 a.m.; or

(ii) at a bar or counter on Sunday from 6 a.m. to 2 a.m. the following day.

(c) (1) Subject to paragraph (2) of this subsection, a holder of a Class C beer and light wine license may sell beer and light wine from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer or light wine:

(i) from 2 a.m. to 6 a.m.; or

(ii) at a bar or counter on Sunday, from 5 p.m. to 1:30 a.m. the following day.

(d) (1) Subject to paragraph (2) of this subsection, unless the license is restricted under § 26–601(c), § 26–604(c), or § 26–801(c) of this title, a holder of a Class D beer and light wine license may sell beer and light wine:

(i) for on–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for off–premises consumption, from 6 a.m. to midnight.

(2) The license holder may not sell beer or light wine from 2 a.m. to 6 a.m.

§26–2004.

(a) (1) A holder of a Class A beer, wine, and liquor (off–sale) license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to midnight.

(2) A license holder that offers for sale commodities that are not alcoholic beverages and is open on Sunday shall keep all alcoholic beverages on the premises that are stored in areas open to the public in a separate beverage department that is securely closed and locked between midnight on Sunday and 6 a.m. on Monday.

(b) (1) Subject to paragraph (3) of this subsection, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) except as provided in § 26–2005 of this subtitle, for on–premises consumption, on Monday through Saturday, from 6 a.m. to 2 a.m. the following day;

(ii) from 8 a.m. on Sunday to 2 a.m. the following day; and

(iii) for off–premises consumption, on Monday through Saturday, from 6 a.m. to midnight.

(2) For off–premises consumption on Sunday, the license holder:

(i) if issued a Sunday off–sale permit under § 26–1104 of this title, may sell alcoholic beverages that the holder is licensed to sell from 8 a.m. to midnight;

(ii) may sell beer and light wine from 8 a.m. to midnight at an off–sale store that is attached to and part of the licensed premises; but

(iii) may not sell beer, wine, or liquor at a separate off–sale store established on the premises.

(3) The Board shall adopt reasonable standards to define the term "off–sale store" for the purposes of paragraph (2) of this subsection.

(c) (1) A holder of a Class B–AE (arts and entertainment) license may not sell beer, wine, or liquor:

(i) except as provided in § 26–2005 of this subtitle, for on–premises consumption;

(ii) except as provided in § 26–2005 of this subtitle, from 2 a.m. to 6 a.m.; and

(iii) at a bar or counter on Sunday, unless the Sunday is December 24 or December 31.

(2) The Board shall adopt regulations to carry out this subsection, including regulations specifying hours and days of sale.

(d) (1) Except as provided in § 26–2005 of this subtitle, a holder of a Class B–DD (Development District) 7–day beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

(e) (1) Subject to paragraph (2) of this subsection, a holder of a Class BH license may sell beer, wine, and liquor for on–premises consumption:

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

(ii) on Sunday, from 10 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor:

(i) except as provided in § 26–2005 of this subtitle, from 2 a.m. to 6 a.m.; or

(ii) at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

(f) (1) (i) Subject to subparagraph (ii) of this paragraph, the holder of a Class BLX license issued for a luxury–type restaurant may sell beer, wine, and liquor for on–premises consumption from 6 a.m. to 2 a.m. the following day.

(ii) A license holder may not sell beer, wine, or liquor for on–premises consumption:

1. except as provided in § 26–2005 of this subtitle, from 2 a.m. to 6 a.m.; or

2. at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

(2) A holder of a Class BLX license issued for a movie theater may sell beer, wine, and liquor for on–premises consumption from noon to 12:30 a.m. the following day.

(g) A holder of a Class B–MB/22 license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

(h) (1) Subject to paragraph (2) of this subsection, a holder of a Class B–RD (revitalization district) license may sell beer, wine, and liquor for on–premises consumption from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor for on–premises consumption:

(i) except as provided in § 26–2005 of this subtitle, from 2 a.m. to 6 a.m.; or

(ii) at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

(i) A holder of a Class B–WPL (waterfront pavilion) license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

(j) (1) Subject to paragraph (2) of this subsection, a holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor from 6 a.m. to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

§26–2005.

If the holder of a Class B on–sale license has live entertainment on the licensed premises on Friday or Saturday night, the license holder may sell alcoholic beverages for on–premises consumption in accordance with the license on Friday or Saturday from 6 a.m. to 3 a.m. the following day.

§26–2006.

(a) A holder of a Class A beer, wine, and liquor license may not sell beer, wine, or liquor on Sunday unless:

(1) the Sunday is December 24 or December 31; or

(2) the holder of a Class A beer, wine, and liquor license holds a Sunday off–sale permit under § 26–1104 of this title.

(b) A holder of a Class B restaurant license that allows the sale of alcoholic beverages for off–premises consumption may not sell alcoholic beverages for off–premises consumption Monday through Sunday from midnight to 8 a.m.

(c) A holder of a license that allows the sale of alcoholic beverages for on–premises consumption may sell the alcoholic beverages that the license allows until 2 a.m. on January 1.

§26–2007.

(a) This section applies in the 24th and 25th alcoholic beverages districts of the county as described in § 26–1603(f) and (g) of this title.

(b) The Board may change the closing hour and reduce the hours of sale of a license holder if the Board:

(1) receives a complaint concerning the licensed premises; and

(2) makes the change after holding a hearing on the complaint.

(c) Under Subtitle 24 of this title, a party may seek judicial review of a decision of the Board made under this section.

§26–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–603 ("Revocation and suspension procedures");

(3) § 4–605 ("Nudity and sexual displays"); and

(4) § 4–606 ("Effects of revocation").

(b) Section 4–604 ("Grounds for revocation or suspension") of Division I of this article applies in the county, subject to § 26–2102 of this subtitle.

§26–2102.

(a) In this section, "conviction" includes:

(1) a verdict or plea of guilty;

(2) the forfeiture of a bond or collateral accepted on a pending charge, warrant, or indictment before a court; or

(3) the revocation or suspension of a license by the Board because of a violation of this article or regulations adopted under this article.

(b) (1) The Board shall revoke a license if a license holder or a stockholder of a corporation that uses the license is convicted of a felony that is related to operations under the license.

(2) The Board may revoke a license if:

(i) within 2 years a license holder is convicted twice for a violation concerning an illegal sale of alcoholic beverages in or on the licensed premises on Sunday; or

(ii) within 2 years there are two convictions of the same agent or employee of a license holder for a violation concerning illegal sales of alcoholic beverages in or on the licensed premises on Sunday.

(3) The Board may revoke a license for:

(i) a felony conviction of a license holder or a stockholder of a corporation having the use of a license; or

(ii) failure to comply with § 26–1613(c) of this title.

(4) The Board may:

(i) allow a closing of the licensed premises for a reasonable period of time; but

(ii) revoke the license for the closing of the licensed premises for more than 30 days without the approval of the Board.

(c) The Board may suspend a license for at least 30 days for:

(1) a conviction of the license holder for a violation concerning an illegal sale of alcoholic beverages in or on the licensed premises on Sunday; or

(2) two or more convictions of different agents or employees of a license holder for a violation concerning an illegal sale of alcoholic beverages in or on the licensed premises on Sunday.

(d) (1) If a license holder has not complied with the residency requirements specified in § 4–103, § 4–104, or § 4–105 of this article or Subtitle 14 of this title, the Board may revoke or suspend the license.

(2) The Board may revoke or suspend a license:

(i) for a conviction of the license holder for a violation of any State law concerning gambling in or on the licensed premises; or

(ii) if, within 2 years, there are two convictions of one or more of the agents or employees of a license holder for violations concerning gambling in or on the licensed premises.

(3) The Board may revoke or suspend a license that has been issued or transferred if the license has not been placed in operation after 6 months following the issuance or transfer.

(e) The Board may revoke, suspend, or refuse to renew a license, or refuse to issue a license to an applicant, if the license holder or applicant willfully failed or refused to pay hotel/motel taxes due to the county within 60 days after the license holder or applicant received the first notice of delinquency.

(f) Two or more violations against the same license holder, agent, or employee or affecting the same premises occurring on the same day are considered one offense.

§26–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§26–2301.

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4–802 ("Expiration of license on death of license holder");

(2) § 4–804 ("Transfer or reinstatement of license");

(3) § 4–805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4–806 ("Refund").

(b) Section 4–803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 26–2302 of this subtitle.

§26–2302.

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

(i) the surviving spouse;

(ii) the surviving partners for the benefit of the partnership; or

(iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

(i) for the balance of the license year; and

(ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

(1) the surviving spouse;

(2) the surviving partners of a partnership; or

(3) the senior surviving officer of a corporation for the benefit of the corporation.

§26–2401.

(a) The following sections of Title 4, Subtitle 9 ("Judicial Review") of Division I of this article apply in the county without exception or variation:

(1) § 4–902 ("Judicial review of decision of local licensing board");

(2) § 4–904 ("Stay of local board's petition");

(3) § 4–905 ("Scope of judicial review");

(4) § 4–906 ("Representation of local licensing board"); and

(5) § 4–908 ("Appeals to Appellate Court of Maryland and Supreme Court of Maryland").

(b) The following sections of Title 4, Subtitle 9 ("Judicial Review") of Division I of this article apply in the county:

(1) § 4–903 ("Petitioners"), subject to § 26–2402 of this subtitle; and

(2) § 4–907 ("Affirmations, modifications, and reversals"), subject to § 26–2405 of this subtitle.

§26–2402.

On payment of all costs incident to the hearing before the Board, a governing body of a municipality within the county in which a licensed place of business is located or proposed to be located may petition for judicial review of a decision of the Board under § 4–902 of this article to the circuit court for the county.

§26–2403.

(a) Before docketing an action for judicial review under Title 4, Subtitle 9 of this article, the clerk of the circuit court for the county shall:

(1) collect all court costs from the petitioner; and

(2) receive a statement from the clerk of the Board that the costs for getting records and transcripts of proceedings of the hearing before the Board have been paid.

(b) The costs described in subsection (a)(1) of this section may not be assessed against the Board.

§26–2404.

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

§26–2405.

(a) Before the date set for a hearing before the circuit court of a petition under Title 4, Subtitle 9 of this article, a petitioner or a party in interest properly before the court may petition the court in writing for leave to present additional evidence on an issue for which judicial review is sought.

(b) If, after a hearing, the court is satisfied that the additional evidence is material and that there were good reasons for failure to present the evidence in the proceeding before the Board, the court shall remand the case to the Board and order that the evidence be taken before the Board on the conditions the court considers proper.

(c) (1) On remand for the taking of additional evidence, the Board may modify or reverse the previous findings and decision of the Board by reason of the additional evidence.

(2) If the Board modifies or reverses a previous finding or decision as described in paragraph (1) of this subsection, the Board shall file with the reviewing court, to become a part of the record, the additional evidence together with the modification, new finding, or new decision.

(d) On the filing of a finding or decision after remand as described in subsection (c) of this section, if the court determines that the substantial rights of a petitioner may have been prejudiced, the court may reverse or modify the decision or modified decision of the Board or again remand the proceedings to the Board.

§26–2501.

(a) This section applies to an establishment:

(1) for which the Board has not issued a license;

(2) that is subject to any other license issued by the State or county; and

(3) that is:

(i) a restaurant, hotel, club, room, dance studio, or disco;

(ii) a place of adult entertainment that allows any form of sexual display or attire prohibited under § 4–605 of this article; or

(iii) any other place open to the public.

(b) A person, including an owner or operator of an establishment may not:

(1) serve, keep, or allow to be consumed by a customer, alcoholic beverages:

(i) from supplies that the customer purchased, reserved, or otherwise brought to the establishment; or

(ii) from supplies purchased or otherwise brought to the establishment by the owner or operator of the establishment or an agent of the owner or operator; or

(2) (i) serve setups, including drinking containers and ice; or

(ii) serve, keep, or allow to be consumed other component parts of mixed alcoholic drinks.

(c) (1) The Board or an inspector of the Board may order that an establishment be closed immediately if the Board or the inspector determines that the public health, safety, or welfare requires emergency action.

(2) If an immediate closure is ordered, the Board or the inspector who ordered the closure shall give the owner or operator of the establishment:

(i) written notice of and the reasons for the closure; and

(ii) written notice of a hearing on the closure at which the owner or operator may be heard and present evidence.

(3) The Board shall hold the hearing within 3 business days after the closure.

(4) (i) At the hearing, the Board shall determine whether the threat to the public health, safety, or welfare causing the closure continues to exist.

(ii) Subject to subparagraph (iii) of this paragraph, if the Board determines under subparagraph (i) of this paragraph that the threat continues, the Board may:

1. order the permanent closure of the establishment; or

2. impose conditions under which the establishment may reopen.

(iii) The Board shall order the establishment to be permanently closed if:

1. the closure under paragraph (1) of this subsection for which the hearing is being held is the third closure in a 2–year period; and

2. the previous two closures under paragraph (1) of this subsection were not overturned by the Board or on judicial review.

(5) The Board shall issue a decision within 3 business days after a hearing is held under paragraph (4) of this subsection.

(6) An owner or operator who is aggrieved by a decision of the Board may petition for judicial review to a circuit court.

(d) The Board may impose a fine not exceeding $12,500 for each violation on a person who the Board finds has violated this section.

(e) In addition to any other penalty authorized by law, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§26–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages:

(1) in an establishment open to the public;

(2) in a place of public entertainment;

(3) at an establishment occupied regularly by a private club or organization; or

(4) in a place at which setups or other component parts of mixed alcoholic drinks are sold directly or indirectly.

(b) An owner, a manager, or an employee of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) (1) A person who violates subsection (a)(1) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

(2) An owner, a manager, or an employee of a premises or place who violates subsection (a)(2) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§26–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–205 ("Peace officers");

(5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(7) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(8) § 6–209 ("Adoption of standards for authorization of consumption"); and

(9) § 6–211 ("Fines and forfeitures").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 26–2602 of this subtitle.

§26–2602.

The county may:

(1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6–320 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or a highway.

§26–2603.

An inspector who investigates a license violation may issue a civil citation as provided in § 10–119 of the Criminal Law Article.

§26–2604.

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

§26–2605.

(a) The Board shall:

(1) obtain from the appropriate law enforcement agencies information regarding citations issued and arrests made on licensed premises for violations of § 14–139.03 of the Prince George's County Code; and

(2) maintain a comprehensive database of:

(i) the information obtained under item (1) of this subsection; and

(ii) fines imposed under subsection (b) of this section.

(b) The Board may impose a fine under § 26–2802 of this title on a license holder if at least 3 citations are issued or arrests are made on the licensed premises for violations of § 14–139.03 of the Prince George's County Code in a 12–month period.

§26–2606.

(a) (1) This section applies only to inspections performed by or on behalf of the Board.

(2) Unless the inspection is performed on behalf of the Board and does not relate to health and safety, this section does not apply to inspections conducted by one or more of the following persons:

(i) a police department;

(ii) a fire department or fire inspector; or

(iii) a health department.

(b) An inspection of a licensed premises may be conducted with or without prior notice in order to:

(1) provide assistance to the Board in any matter pertaining to alcoholic beverages;

(2) conduct background investigations and criminal history records checks on all license applicants;

(3) make routine inspections of licensed establishments in the county to ensure that they are in compliance with all appropriate State laws, local laws, restrictions, and Board rules and regulations;

(4) coordinate information with other appropriate regulatory agencies;

(5) take appropriate action on any written report of violations forwarded by a uniformed officer of a municipal or county police department, the Maryland–National Capital Park Police, or the State Police;

(6) investigate complaints made against a licensed establishment; or

(7) initiate covert inspections and investigations of licensed establishments that may be necessary to ensure compliance or to prove or disprove alleged violations.

(c) Within 5 business days after an inspection under this section, the inspector shall provide to the license holder and the Board a report of the inspection.

(d) On or before December 31 each year, the Board shall publish on the Board's website a list of the total number of inspections conducted of each licensed premises by the Board in the prior calendar year.

§26–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 ("Maximum alcohol content");

(12) § 6–317 ("Multiple serving purchase required");

(13) § 6–320 (“Disorderly intoxication”);

(14) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(15) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(16) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(17) § 6–328 (“Tax evasion”);

(18) § 6–329 (“Destruction of evidence”); and

(19) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

(1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 26–2702 of this subtitle;

(2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 26–2703 of this subtitle;

(3) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”), subject to § 26–2704 of this subtitle;

(4) § 6–321 (“Consumption of alcoholic beverages in public”), subject to § 26–2705 of this subtitle; and

(5) § 6–322 (“Possession of open container”), subject to § 26–2706 of this subtitle.

§26–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) The Board may not proceed against a license holder for a violation of § 6–304 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

§26–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The Board may not proceed against a license holder for a violation of § 6–307 of this article if the license holder or an employee of the license holder is found not guilty of, or granted probation before judgment for, the violation.

§26–2704.

Residents and their guests in a continuing care retirement community that holds a Class C (on–sale) beer, wine, and liquor license may consume wine not purchased from the continuing care retirement community if:

(1) the wine is consumed with a meal in the dining room; and

(2) the continuing care retirement community:

(i) is operated by a nonprofit organization for the continuing care retirement of individuals at least 60 years old;

(ii) has been incorporated for at least 1 year;

(iii) has obtained a certificate of registration from the Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and

(iv) prepares and serves meals during regular operating hours to residents and their guests.

§26–2705.

An individual who is charged with a misdemeanor under § 6–321 of this article shall comply with the command in the charging document to appear in court by appearing in court in person.

§26–2706.

(a) An individual may possess an alcoholic beverage in an open container on private property described under § 6–322(a)(1) of this article only if the individual possesses and presents the written consent of the owner of the property.

(b) An individual charged with a misdemeanor under § 6–322 of this article shall comply with the command in the charging document to appear in court by appearing in court in person.

§26–2707.

(a) An individual under the age of 21 years may not:

(1) enter the premises of a license holder to obtain alcoholic beverages; or

(2) possess alcoholic beverages.

(b) An individual under the age of 18 years may not enter between 10 p.m. and 6 a.m. the premises of the holder of a Class B or Class D beer license, a Class B or Class D beer and light wine license, or a Class B–WPL (waterfront pavilion) beer, wine, and liquor license unless the individual is in the company of a parent, the legal guardian, or the spouse of the individual.

(c) The Board may adopt regulations regarding the presence of an individual under the age of 21 years on a licensed premises.

§26–2708.

(a) A license holder may not sell alcoholic beverages by means of a self–scanning cash register or other automated system that is:

(1) capable of recovering stored information related to the sale price of individual retail items; and

(2) operated on a self–service basis by a customer.

(b) If a license holder violates this section, the Board may impose on the license holder:

(1) for a first offense, a fine not exceeding $1,000;

(2) for a second offense, a fine not exceeding $2,500; and

(3) for a third or subsequent offense:

(i) a fine not exceeding $2,500; or

(ii) suspension or revocation of the license.

§26–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county, subject to § 26–2801.1 of this subtitle.

§26–2801.1.

In addition to any administrative penalty that may apply, a license holder or an employee of a license holder who violates § 6–304 of this article or § 10–117 of the Criminal Law Article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

§26–2802.

(a) This section applies to a violation that is cause for suspension or revocation of a license.

(b) Instead of or in addition to suspending or revoking the license, the Board may:

(1) for a first offense:

(i) except as provided in item (ii) of this item, impose a fine not exceeding $1,500; or

(ii) for a violation of § 10–117 of the Criminal Law Article, impose a fine of $1,500;

(2) for a second offense in the same 24–month period, impose a fine not exceeding $6,000; and

(3) for a third offense in the same 24–month period, impose a fine of $7,500.

(c) For a fourth offense in the same 24–month period, the Board shall suspend the license for 30 days, unless the Board revokes the license.

§26–2803.

(a) The Board shall establish a standard fine structure for violations of this title that gives the Board flexibility to consider aggravating or mitigating factors when determining the amount of a fine imposed under this title.

(b) The Board shall publish monthly and maintain on its website:

(1) a list of penalties for violations of this title; and

(2) the standard fine structure established under subsection (a) of this section, including a list of aggravating and mitigating factors that the Board may consider when determining the amount of a fine imposed under this title.

§27–101.

(a) In this title:

(1) 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 Queen Anne's County.

(c) "County" means Queen Anne's County.

§27–102.

This title applies only in Queen Anne's County.

§27–103.

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§27–201.

There is a Board of License Commissioners for Queen Anne's County.

§27–202.

(a) (1) The County Commissioners shall appoint five members to the Board.

(2) At least two members of the Board shall be members of the political party that at the last preceding gubernatorial election polled the second highest number of votes in the county for Governor.

(b) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(c) (1) The County Commissioners shall appoint an individual to fill a vacancy during the remainder of the term of office of a member who refuses or is unable to serve.

(2) A member who is appointed after a term has begun serves for the remainder of the term and until a successor is appointed and qualifies.

(d) The County Commissioners may remove a member for misconduct in office, incompetence, or willful neglect of duty.

§27–203.

The County Commissioners shall designate a chair from among the members of the Board.

§27–204.

(a) Three members of the Board are a quorum for transacting business.

(b) (1) Subject to paragraph (2) of this subsection, the County Commissioners shall determine the rate of compensation for the Board.

(2) The rate may not be less than:

(i) $65 per meeting for the chair; and

(ii) $60 per meeting for each other member.

(c) Subject to subsection (d) of this section and § 27–205 of this subtitle, the Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

(d) (1) The County Commissioners shall appoint an attorney at a salary that the County Commissioners set.

(2) The attorney shall handle legal matters for the Board.

§27–205.

(a) The Board shall appoint an inspector at not less than $3,000 annually and with a mileage allowance that the County Commissioners determine.

(b) An individual may not qualify or continue service as an inspector if the inspector or any member of the inspector's immediate family has a personal or financial interest, directly or indirectly, in a license, license holder, or premises licensed under this article.

(c) An inspector shall:

(1) investigate all applicants for a license or transfer of a license;

(2) inspect at unannounced times every licensed premises in the county at least once every 180 days;

(3) except as provided in subsections (d) and (e) of this section, enforce all alcoholic beverages laws with the same power as a law enforcement officer of the State;

(4) investigate all violations of the alcoholic beverages laws and report them to the Board;

(5) submit monthly reports in writing to the Board of the inspector's activities, setting forth complaints and listing violations that the inspector observed or that were reported to the inspector; and

(6) conduct compliance checks relating to the sale of alcoholic beverages to an individual under the age of 21 years in violation of § 6–304 of this article for every licensed premises in accordance with regulations adopted by the Board.

(d) The Office of the Sheriff shall enforce violations of § 6–304 of this article.

(e) An inspector has no power of arrest.

(f) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

§27–206.

The Board may adopt regulations to carry out this article.

§27–301.

There is no liquor control board or department of liquor control in the county.

§27–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Executive Director");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–209 ("Class 7 micro–brewery license");

(9) § 2–210 ("Class 8 farm brewery license");

(10) § 2–211 ("Residency requirement");

(11) § 2–212 ("Additional licenses");

(12) § 2–213 ("Additional fees");

(13) § 2–214 ("Sale or delivery restricted");

(14) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(15) § 2–216 ("Interaction between manufacturing entities and retailers");

(16) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(17) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2–208 ("Class 6 pub–brewery license") of Division I of this article applies in the county, subject to § 27–403 of this subtitle.

§27–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§27–403.

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Section 2–208(d) of this article does not apply in the county.

§27–501.

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

§27–502.

Except as provided in § 27–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§27–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§27–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is $250.

§27–602.

(a) There is a Class B beer license.

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

(c) The annual license fee is $250.

§27–603.

(a) There is a Class C beer license.

(b) (1) Subject to paragraphs (2) and (3) of this subsection, the license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(2) A license may be issued to a local unit of a nationwide nonprofit organization or club that:

(i) is composed solely of members who served in the armed forces of the United States in a war in which the United States has engaged;

(ii) has a charter from a national veterans' organization before applying for the license; and

(iii) operates only for the use of its members and their guests, when the guests are accompanied by members.

(3) A license may be issued to a yacht club, golf club, fraternal club or order, country club, or social or recreational club that:

(i) is not operated for profit;

(ii) for 1 year immediately preceding the year for which the license is issued, has had at least 50 adult members who paid annual dues of at least $25;

(iii) owns or operates a clubhouse that has, or meeting rooms that have, facilities for preparing and serving food on the premises;

(iv) is principally used for members and their guests, when the guests are accompanied by members; and

(v) is not directly or indirectly owned or operated as a public business.

(c) The annual license fee is $50.

§27–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on–and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is $250.

§27–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $50.

§27–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§27–802.

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

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fee is $500.

§27–803.

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

(b) 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 $500.

§27–804.

A Class C beer and wine license may not be issued in the county.

§27–805.

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

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $500.

§27–901.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license under this section may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

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

§27–902.

(a) A hotel for which a Class B license of any type is issued shall:

(1) be a building constructed for hotel purposes;

(2) have at least 20 bedrooms;

(3) provide services ordinarily found in hotels to accommodate the public;

(4) have a dining room with facilities for preparing and serving meals; and

(5) have average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages.

(b) A restaurant for which a Class B license of any type is issued shall:

(1) be a business establishment to accommodate the public;

(2) be fully equipped with a proper and adequate dining room with seating for at least 12 individuals;

(3) have sufficient facilities that have been approved by the Board for preparing and serving meals; and

(4) have average daily receipts from the sale of food that are at least 51% of the average daily receipts of the business.

(c) The Board:

(1) shall require a holder of a Class B license at least every 2 years, on dates that the Board sets, to file with the Board a sworn statement that the gross receipts from food sales in the restaurant for the 6 months immediately before the filing of the report exceed the gross receipts from the sale of alcoholic beverages; and

(2) may require a license holder to provide supporting data to establish that the requirements of subsection (b) of this section relating to the ratio

of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met.

(d) (1) Before a Class B license of any type is issued, the applicant shall attest in a sworn statement that gross receipts from food sales in the restaurant will exceed the gross receipts from the sale of alcoholic beverages.

(2) If the license holder fails to maintain gross receipts from the sale of food that exceed the gross receipts from the sale of alcoholic beverages during any 6–month period, the Board may revoke the license.

§27–903.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant that meets the requirements in § 27–902 of this subtitle at retail at the place described in the license for on–premises consumption.

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

§27–904.

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

(b) The Board may issue the license for use at an establishment:

(1) that has facilities for preparing and serving food to the public;

(2) that derives at least 25% of the average daily gross receipts of the establishment that are from the sale of food; and

(3) whose average daily gross receipts are approved by the Board.

(c) The license authorizes the license holder to sell at retail at the place described in the license:

(1) beer, wine, and liquor for on–premises consumption; and

(2) beer for off–premises consumption.

(d) A holder of a Class B beer, wine, and liquor license may convert the license to a Class B–D license.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 27–2004(c) of this title.

(f) The annual license fee is $1,800.

§27–905.

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

(b) The Board may issue the license for use by:

(1) a nonprofit organization or club that:

(i) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged; and

(ii) operates only for the use of its members and guests when accompanied by members; or

(2) a yacht club, golf club, fraternal club or order, country club, or social or recreational club that:

(i) has at least 50 adult members paying dues of at least $20 per year per member for the year immediately before the year for which the license is issued; and

(ii) owns or operates a clubhouse or meeting room that has facilities for preparing and serving food on the premises, which are principally used for members and guests when accompanied by members.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at a club, at the place described in the license, for on– or off–premises consumption.

(d) The annual license fee is $500.

§27–906.

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

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell:

(i) beer, wine, and liquor for on–premises consumption; and

(ii) beer for off–premises consumption.

(2) A holder of a Class D beer, wine, and liquor license and a Class 9 limited distillery license:

(i) may sell:

1. beer, wine, and liquor for on–premises consumption; and

2. liquor that is distilled at the location described in the license for off–premises consumption; but

(ii) may not sell beer for off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $1,800.

§27–1001.

(a) There is a beauty salon and barbershop beer and wine license.

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

(1) a beauty salon permit issued under § 5–501 of the Business Occupations and Professions Article; or

(2) a barbershop permit issued under § 4–301 of the Business Occupations and Professions Article.

(c) The license authorizes the license holder to sell beer or wine by the glass for on–premises consumption to a customer while the customer is provided:

(1) a cosmetology service under § 5–101(n) of the Business Occupations and Professions Article or an esthetic service under § 5–101(o) of the Business Occupations and Professions Article; or

(2) a barbering service under § 4–101(l) of the Business Occupations and Professions Article.

(d) A customer may consume not more than 5 ounces of wine or 12 ounces of beer during any one visit.

(e) The license may not be transferred to another location.

(f) The license holder may provide beer and wine during normal business hours but not later than 9 p.m.

(g) An establishment for which the license is issued is subject to the alcohol awareness training requirements under § 4–505 of this article.

(h) The annual license fee is $100.

§27–1001.1.

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

(b) The Board may issue the license for use in a conference center that has the following facilities to accommodate at least 100 individuals:

(1) a kitchen facility;

(2) a dining facility; and

(3) overnight facilities.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption to individuals attending an event at the conference center.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 27–2004 of this title.

(e) The annual license fee is $1,500.

§27–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 27–1102 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 27–1103 of this subtitle.

§27–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A, Class B, Class C, or Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The annual permit fees are:

(1) $50 for an applicant whose license has an off–sale privilege; and

(2) $500 for an applicant whose license does not have an off–sale privilege.

§27–1103.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, a Class C license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:

(i) $50 for an applicant whose license has an off–sale privilege; and

(ii) $500 for an applicant whose license does not have an off–sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§27–1201.

(a) There is a local caterer's license.

(b) The Board may issue the license to a holder of a Class B restaurant or hotel (on–sale) beer, wine, and liquor license.

(c) The license authorizes a holder to:

(1) provide alcoholic beverages at an event that is held off the premises for which the holder's Class B restaurant or hotel (on–sale) beer, wine, and liquor license is issued; and

(2) exercise the privileges of the license only during the hours and on the days authorized for a Class B restaurant or hotel (on–sale) beer, wine, and liquor license.

(d) The license holder shall provide food for consumption at the catered event.

(e) The annual license fee is $100.

(f) This section does not require a holder of a Class B restaurant or hotel (on–sale) beer, wine, and liquor license to obtain a local caterer's license for catering on the premises for which the Class B license is issued.

§27–1301.

Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article applies in the county without exception or variation.

§27–1304.

(a) In this section, "Festival" means a Beer and Wine Festival (BWF) in Queen Anne's County.

(b) There is a Beer and Wine Festival (BWF) license.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.

(d) The license authorizes the holder to display and sell:

(1) wine that is:

(i) manufactured and processed in any state; and

(ii) distributed in the State when the license application is filed; or

(2) beer that is brewed by a brewer:

(i) that brews less than 60,000 barrels of beer annually; and

(ii) whose product is distributed in the State when the license application is filed.

(e) 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 Festival.

(f) The Board:

(1) each year may choose for the Festival a maximum of 4 weekends, each of which:

(i) extends from Friday through Sunday, inclusive; but

(ii) is not within 14 days before or after the weekend chosen for the Maryland Wine Festival in Carroll County;

(2) shall choose a location that is not already licensed; and

(3) shall ensure that the primary focus of the Festival is the promotion of Maryland beer and wine.

(g) The license holder may hold another license of a different class or nature.

(h) Beer and wine displayed and sold shall be:

(1) invoiced to the license holder by a licensed wholesaler, Class 3 winery, or Class 4 limited winery; and

(2) delivered to the Festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder 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 2 days after the expiration date of the license.

(j) The Board may set the license fee.

(k) The Board shall adopt regulations to carry out this section.

§27–1305.

(a) There is a wine tasting (WT) license.

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

(c) The license authorizes the holder to allow, for tasting, the on–premises consumption of wine that contains not more than 22% of alcohol by volume.

(d) The license holder may serve:

(1) not more than 2 ounces from each offering to an individual; and

(2) not more than 4 ounces to an individual in a day.

(e) In addition to the fee for any other license, the annual license fee is $100.

§27–1306.

(a) There is a beer, wine, and liquor tasting (BWLT) license.

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

(c) (1) The license authorizes the holder to allow the consumption for tasting in a quantity of:

(i) not more than 1 ounce of beer from each offering and 4 ounces from all offerings;

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

(iii) not more than one–half ounce of liquor from each offering and 1.5 ounces from all offerings.

(2) The limits on consumption specified in paragraph (1) of this subsection apply to one individual in a day.

(d) In addition to the fee for any other license held by the license holder, the annual license fee is $100.

§27–1401.

(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) § 4–106 ("Payment of notice expenses");

(3) § 4–108 ("Application form required by Comptroller");

(4) § 4–111 ("Payment of license fees");

(5) § 4–112 ("Disposition of license fees"); and

(6) § 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 do not apply in the county:

(1) § 4–107 ("Criminal history records check");

(2) § 4–110 ("Required information on application — Petition of support"); and

(3) § 4–113 ("Refund of license fees"), which is superseded by § 27–1406 of this subtitle.

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

(1) § 4–103 ("Application on behalf of partnership"), subject to § 27–1402 of this subtitle;

(2) § 4–104 ("Application on behalf of corporation or club"), subject to § 27–1403 of this subtitle;

(3) § 4–105 ("Application on behalf of limited liability company"), subject to § 27–1403 of this subtitle; and

(4) § 4–109 ("Required information on application — In general"), subject to §§ 27–1402 and 27–1404 of this subtitle.

§27–1402.

(a) At the time an application for an alcoholic beverages license is filed, at least one of the applicants shall be a resident of the State.

(b) The license remains valid only for as long as at least one of the applicants remains a resident of the State.

§27–1403.

(a) (1) An individual on behalf of a corporation or limited liability company may not be issued a Class A beer, wine, and liquor license unless the corporation or limited liability company is:

(i) a Maryland entity in good standing; or

(ii) a foreign entity registered to do business in the State.

(2) A Class A beer, wine, and liquor license may not be issued for a corporation if more than one class of common stock is authorized by the corporate charter.

(b) (1) This subsection does not apply to:

(i) a Class A beer, wine, and liquor license; or

(ii) any other license issued before May 1, 1976.

(2) An applicant for a license on behalf of a corporation or limited liability company is not required to be a resident of the county.

(3) Except as provided in subsection (c) of this section, each applicant applying for a license for a corporation or limited liability company shall own at least 15% of the total outstanding shares of common stock of the corporation or at least a 15% interest in the limited liability company, entitling the applicant to vote at a meeting of stockholders or members.

(4) A license may not be issued for a corporation if more than one class of common stock is authorized by the corporate charter.

(5) Except as provided in subsection (c) of this section, each year, an applicant, the corporation, or the limited liability company shall submit to the Board a sworn statement that contains:

(i) the name and address of each stockholder of the corporation and the number of shares the stockholder owns and is entitled to vote at a stockholder meeting; or

(ii) the name and address of each member of the limited liability company and the amount of interest the member owns and is entitled to vote at a meeting of members.

(6) The Board may require an applicant to submit other information regarding the background and prior activities of the applicant.

(c) (1) Subsection (b)(3) and (5) of this section does not apply to:

(i) a Class B beer, wine, and liquor (on–sale) license for use in a conference center; or

(ii) any alcoholic beverages license issued within the municipal limits of any incorporated town.

(2) (i) Subject to subparagraph (ii) of this paragraph, in addition to the exemptions in paragraph (1) of this subsection, the Board may exempt up to four other licenses from subsection (b)(3) and (5) of this section.

(ii) The Board may not grant an exemption for licensed premises located within the Kent Narrows Commercial Management and Waterfront Improvement District.

§27–1404.

(a) In this section, "controlling interest" means the ownership or control of sufficient shares or interest in a business to allow for an exercise of control over that business.

(b) An applicant for a license shall:

(1) include a statement in the application that the applicant is at least 21 years old; and

(2) submit an affidavit verifying the application.

(c) (1) Except as provided in paragraph (2) of this subsection, a license holder shall meet all requirements of the respective licenses.

(2) The term "financial interest" as used in § 4–109(a)(11), (13), and (16) of this article refers to an applicant who is the owner of a controlling interest in a place of business for which a license has been applied for or issued.

§27–1405.

(a) (1) All licenses shall be issued for 6 or 12 months.

(2) The term of a 6–month license begins on November 1.

(3) The term of a 12–month license begins on May 1.

(b) The fee for a 6–month license is half of the annual fee.

§27–1406.

In cases of hardship, the Board may refund a portion of the fee for a license it has issued.

§27–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–208 ("Notice of license application required");

(5) § 4–209 ("Hearing");

(6) § 4–210 ("Approval or denial of license application");

(7) § 4–211 ("License forms; effective date; expiration");

(8) § 4–212 ("License not property");

(9) § 4–213 ("Replacement licenses"); and

(10) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to § 27–1502 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 27–1503 of this subtitle and Subtitle 13, Part III of this title; and

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 27–1503 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title.

§27–1502.

The Board may not issue a Class A beer, wine, and liquor license to a person or on behalf of a firm or corporation that has been convicted of a violation of this article.

§27–1503.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§27–1504.

(a) (1) Before a Class B license of any type may be issued, the applicant shall attest in a sworn statement that gross receipts from food sales in the restaurant will be more than the gross receipts from the sale of alcoholic beverages.

(2) If the license holder fails to maintain more gross receipts from the sale of food than gross receipts from the sale of alcoholic beverages for a 6–month period, the Board may revoke the license.

(b) (1) Subject to paragraph (2) of this subsection, a license holder of a Class B license of any type shall file with the Board a sworn statement that the gross receipts from food sales in the restaurant for the 6–month period immediately before the filing of the report are more than the gross receipts from the sale of alcoholic beverages.

(2) The Board may require a license holder to provide:

(i) the sworn statement required under paragraph (1) of this subsection at least biannually, on dates to be set by the Board; and

(ii) supporting data to establish that the requirements of paragraph (1) of this subsection have been met.

§27–1505.

The Board may:

(1) give tentative approval to issuing a license for an establishment that is not completed, based on plans and specifications that accompany the application; and

(2) issue the license when the construction is completed in accordance with the plans and specifications.

§27–1601.

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment unless the establishment is located at least 500 feet away from:

(i) an elementary or secondary school;

(ii) a public library; or

(iii) a youth center sponsored or conducted by a governmental unit.

(2) The distance is to be measured from the nearest point of the building of the establishment to the nearest point of the property line of the elementary or secondary school, public library, or youth center.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) the renewal or transfer of a license issued before May 1, 1976; or

(2) the issuance of a Class B (on–sale) hotel and restaurant license of any type.

§27–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory");

(2) § 4–303 ("Chain store, supermarket, or discount house");

(3) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(4) § 4–305 ("Filing fee and endorsement").

(b) Section 4–306 ("Substitution of names of officers on license") of Division I of this article applies in the county, subject to § 27–1702 of this subtitle.

§27–1702.

(a) For a Class C license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

(1) has died;

(2) has retired; or

(3) no longer holds an office in the corporation or club.

(b) The license holder shall file an affidavit with the Board that contains:

(1) the substitution of the officer; and

(2) an explanation for the substitution.

(c) On receipt of the affidavit, the Board shall:

(1) amend its record; and

(2) issue a corrected license.

§27–1801.

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

§27–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 27–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 27–1903 of this subtitle.

§27–1902.

(a) This section applies to the holder of:

(1) a Class A (off–sale) license;

(2) a Class B (on–sale) license; or

(3) a Class C (on–sale) beer, wine, and liquor license.

(b) (1) Except as provided in paragraph (2) of this subsection, an individual under the age of 21 years may not be employed to sell, deliver, or otherwise deal with alcoholic beverages.

(2) An individual at least 18 years old may be employed to:

(i) stock alcoholic beverages in a premises for which a Class A license is issued;

(ii) serve alcoholic beverages while acting as a server on the licensed premises other than a premises for which a Class A license is issued; and

(iii) operate a lottery ticket terminal in a premises for which a Class A license is issued.

§27–1903.

(a) A license holder or an individual designated by the license holder who has completed training in an approved alcohol awareness program as required under § 4–505(e) of this article shall be present on the licensed premises at all times when alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or a suspension or revocation of the license or both.

§27–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§27–2002.

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

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

(2) on Sunday, from 8 a.m. to midnight.

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

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

(2) on Sunday, from 8 a.m. to midnight.

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

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

(2) on Sunday, from 8 a.m. to midnight.

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

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

(2) on Sunday, from 8 a.m. to midnight.

§27–2003.

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

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

(2) on Sunday, from 8 a.m. to midnight.

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

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

(2) on Sunday, from 8 a.m. to midnight.

(c) Reserved.

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

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

(2) on Sunday, from 8 a.m. to midnight.

§27–2004.

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

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

(2) on Sunday, from 8 a.m. to midnight.

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

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

(2) on Sunday, from 8 a.m. to 2 a.m. the following day.

(c) A holder of a Class B–D beer, wine, and liquor license may sell beer, wine, and liquor:

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

(2) on Sunday, from 8 a.m. to 2 a.m. the following day.

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

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

(2) on Sunday, from 8 a.m. to 2 a.m. the following day.

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

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

(2) on Sunday, from 8 a.m. to 2 a.m. the following day.

§27–2005.

On January 1, a holder of a license with an on–sale privilege may sell alcoholic beverages authorized by the license for on–premises consumption at any time.

§27–2101.

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

§27–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§27–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

§27–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§27–2501.

(a) A person may not serve setups, including drinking containers and ice, or serve, keep, or allow to be consumed alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

(1) does not hold a license under this article; and

(2) allows at its location any form of sexual display or attire prohibited under § 4–605 of this article.

(b) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§27–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§27–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–205 ("Peace officers");

(5) § 6–208 ("Regulating possession or consumption of alcohol in public places"); and

(6) § 6–209 ("Adoption of standards for authorization of consumption").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county.

(c) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county:

(1) § 6–206 ("Charging document for unlawful sale of alcoholic beverage"), in addition to § 27–2608 of this subtitle;

(2) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale"), in addition to § 27–2609 of this subtitle; and

(3) § 6–211 ("Fines and forfeitures"), subject to §§ 27–2614 and 27–2615 of this subtitle.

§27–2602.

(a) The intention of this subtitle is to prevent the evasion and violation of alcoholic beverages laws in the county.

(b) This subtitle shall be liberally construed to carry out this purpose.

§27–2603.

This subtitle does not apply to a shipment by a common carrier if the common carrier has no knowledge that the shipment contains alcoholic beverages.

§27–2604.

(a) A judge in the District Court may issue a search warrant if a police officer or any other applicant files a complaint or an affidavit that:

(1) is sworn to by the applicant;

(2) describes with particularity the place or thing to be searched;

(3) describes with particularity the things to be searched for; and

(4) states that the applicant has reason to believe that alcoholic beverages are sold or kept to be sold or otherwise disposed of in violation of law.

(b) A warrant issued under this section shall:

(1) be directed to the sheriff, deputy sheriff, or proper police officer;

(2) include a copy of the affidavit;

(3) require the officer to whom the warrant is directed to search the place or thing described in the warrant and seize any:

(i) alcoholic beverages found in quantities that suggest that they are being kept for sale;

(ii) means to sell alcoholic beverages, including furniture, implements, and equipment;

(iii) paraphernalia of a barroom or saloon that sells alcoholic beverages; and

(iv) United States Internal Revenue tax receipts for the sale of alcoholic beverages dated during the time of the alleged offense; and

(4) require the officer to report in writing on the search and make an immediate return on the warrant.

(c) An affidavit, a warrant for search, and a report and return shall be substantially in the following form:

State of Maryland, Queen Anne's County, to wit:

To: ....., of Queen Anne's County:

Greetings: Whereas, there has been filed with the undersigned an affidavit, of which the following is a copy, to wit: Whereas on this .... day of ...., 20.., before the Subscriber, ... in and for said County, personally appeared ...., and made complaint and oath that the applicant has just and reasonable cause to suspect and believe and does suspect and believe that intoxicating liquor is sold, or except for the purpose of being sold or otherwise disposed of in violation of the law in the .... of .... at, in .... of said County, and that in and upon said premises and at said place and house will be found upon search thereof, the following:

Intoxicating liquors, and the vessels and bottles in which the same are contained, and barroom, and drinking saloon paraphernalia, and the United States Internal Revenue tax receipt for sale of intoxicating liquor at this time effective (and any other facts material):

These Are Therefore, in the name of the State of Maryland, to command you, together with the necessary and proper assistance, to enter into the said .... of the said .... at, in .... in the County aforesaid, and there diligently search for the said intoxicating liquor and means used for the sale of same, or any part thereof as described in the aforegoing affidavit of complaint, and that you bring the same, or any part thereof, found in such search, and the person or persons in whose custody they are found forthwith before me to be disposed of and dealt with according to law; and have you there this warrant.

Given under my hand this .... day of ...., 20...

.....

Judge of the District Court

REPORT AND RETURN

To Hon. …., Judge of the District Court in Queen Anne's County.

This Return and Report, made this .... day of ...., 20.., is to certify, That pursuant and in obedience to the commands of the annexed warrant to me directed, I did on the .... day of ...., 20.., enter and search the place, house and premises described in said warrant and found and seized the following, to wit: (here set forth what was found and seized), and do forthwith bring the same, and one …. the person in whose custody the same were found before you.

.....
(Person serving warrant)

§27–2605.

An applicant for a warrant under this subtitle or an agent of the applicant may:

(1) accompany the officer who serves the warrant;

(2) point out and enter the place or thing to be searched; and

(3) assist the officer in searching the place or thing.

§27–2606.

(a) Except as provided in subsection (b) of this section, a warrant may not be issued to search a residence unless:

(1) the residence or part of the residence is used as a store, hotel, restaurant, or boarding house;

(2) the residence is used as a public resort; or

(3) the residence is used to keep, hide, or provide alcoholic beverages to sell or for another use that violates the law.

(b) A judge of the District Court may issue a warrant after determining that the issuance would be proper, based on an examination of:

(1) the applicant for the warrant; or

(2) other evidence.

§27–2607.

If an owner or operator of the establishment or thing from which alcoholic beverages or other items are seized cannot be served under this subtitle, the officer seizing the items shall:

(1) post a copy of the warrant in a conspicuous location at the place searched or at or near the thing searched; and

(2) hold the items subject to the order of the court and make return of that action.

§27–2608.

In a prosecution under this title:

(1) it is not necessary to:

(i) describe the place where the alcoholic beverage is sold or handled;

(ii) show knowledge on the part of the principal to convict for the acts of the agent; or

(iii) state the name of any person to whom the alcoholic beverage is sold; but

(2) it is sufficient to state that the violation charged took place in the county.

§27–2609.

In a prosecution under this article, the issuance of a receipt issued by the United States in the county to a person as a wholesaler or retail dealer in alcoholic beverages or malt liquor is prima facie evidence of the sale of the class of alcoholic beverages or malt liquor authorized to be sold under the receipt:

(1) by the person;

(2) in the county or a place of business of the person where the receipt is posted; and

(3) at the time charged in a suit or prosecution under this article, if the time is within the life of the receipt.

§27–2610.

(a) Alcoholic beverages and items used to sell alcoholic beverages that are seized shall be held subject to the order of the court to be used as evidence in the prosecution of a violation of this article.

(b) Prima facie evidence of the violation of this article includes:

(1) alcoholic beverages and items used to sell alcoholic beverages;

(2) the means or materials to manufacture, transport, or dispose of the alcoholic beverages; and

(3) the paraphernalia of a barroom or saloon.

§27–2611.

(a) Except as provided in subsection (b) of this section, if alcoholic beverages are seized and intended to be used as evidence in a prosecution under this article, the trial must take place within 30 days after the start of the prosecution.

(b) The trial may be postponed not more than 15 days beyond the 30–day period:

(1) if at the time of trial, a return has not been properly made; or

(2) for other sufficient cause.

§27–2612.

(a) (1) After scheduling a hearing to determine the purpose for which the alcoholic beverages are kept, the court shall issue a hearing notice to the officer who carried out the search.

(2) On receipt of the notice, the officer shall post the notice at or near the place or thing where the alcoholic beverages were found.

(b) If no one appears to claim the alcoholic beverages or other seized items at the hearing scheduled in accordance with this section or within 30 days after the hearing, the court shall order that the alcoholic beverages and other items be disposed of.

§27–2613.

(a) If a prosecution under this article results in a conviction and an appeal is not taken:

(1) alcoholic beverages seized in connection with the prosecution shall be ordered to be destroyed; and

(2) other property seized in connection with the prosecution shall continue to be held as the property of the defendant or the owner.

(b) If a prosecution under this article does not result in a conviction, property seized in connection with the prosecution shall be returned to the person from whom it was taken.

(c) (1) Subject to paragraph (2) of this subsection, a person's claim of insufficiency of the description of the alcoholic beverages seized under this subtitle or the place or thing searched provided in the complaint or warrant does not result in the immediate return of the alcoholic beverages to the person.

(2) The person with a claim of insufficiency under paragraph (1) of this subsection is entitled to a hearing on the claim when the case is tried.

(3) A conviction under this subtitle bars an action for:

(i) the recovery of alcoholic beverages or the value of alcoholic beverages; or

(ii) damages alleged to have arisen from seizing alcoholic beverages.

(4) Alcoholic beverages or other items seized under this subtitle may not be taken from the custody of the officer by a writ of replevin or other process while a prosecution under this subtitle is pending.

§27–2614.

Fines imposed in the county shall be paid as follows:

(1) one–half of each fine to the clerk of the court for use as provided in § 7–507 of the Courts Article; and

(2) the other half to the county.

§27–2615.

(a) (1) The county may use any part of the fines for a violation of this article to hire detectives or undercover agents.

(2) A detective or an undercover agent hired under this section shall be deputized as an officer.

(b) When money is not available from fines, the County Commissioners may appropriate not more than $200 annually from the general fund of the county to enforce this subtitle.

§27–2616.

(a) A place where alcoholic beverages are sold in violation of this article or Title 5 of the Tax – General Article is a public nuisance.

(b) (1) On conviction of the owner or operator of the place, the place may be closed and the public nuisance may be abated until a $2,000 bond is posted, payable to the State.

(2) The bond shall be conditioned on the owner or operator:

(i) not selling alcoholic beverages in violation of this article; and

(ii) paying all fines, costs, and damages assessed against the owner.

(3) If a condition of the bond is violated, the county may bring action against the owner or operator for fines, costs, and damages.

(c) If a jury trial is requested or an appeal is taken in a case in which a place is alleged to be a public nuisance, the place shall be closed until the defendant posts a $2,000 bond under the same conditions as those specified under subsection (b) of this section.

(d) A person who owns or operates a public nuisance as described in subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $500 or imprisonment not exceeding 1 year or both; and

(2) for each subsequent offense, a fine not exceeding $2,000 and imprisonment not exceeding 2 years or both.

§27–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 ("Maximum alcohol content");

(12) § 6–317 ("Multiple serving purchase required");

(13) § 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder");

(14) § 6–320 ("Disorderly intoxication");

(15) § 6–323 ("Possession or use of Alcohol Without Liquid machine");

(16) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");

(17) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");

(18) § 6–328 ("Tax evasion");

(19) § 6–329 ("Destruction of evidence"); and

(20) § 6–330 ("Perjury").

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article do not apply in the county:

(1) § 6–321 ("Consumption of alcoholic beverages in public"); and

(2) § 6–322 ("Possession of open container").

(c) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 27–2702 of this subtitle; and

(2) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 27–2703 of this subtitle.

§27–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§27–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§27–2704.

(a) In this section, "knowingly" means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

§27–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§27–2802.

(a) The Board may impose a fine not exceeding $2,000 or suspend a license or both for a violation that is cause for license suspension under the alcoholic beverages laws affecting the county.

(b) The penalties imposed under this section are:

(1) in addition to and do not limit other penalties for the same violation; and

(2) independent of any related court action based on the same violation.

§28–101.

(a) In this title:

(1) 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 St. Mary's County.

(c) "County" means St. Mary's County.

(d) "Taxpayer" means a resident who pays real estate or income tax to the county.

§28–102.

This title applies only in St. Mary's County.

§28–103.

The County Commissioners may regulate by ordinance the consumption of alcoholic beverages on public property, including buildings, grounds, streets, highways, alleys, sidewalks, and other structures or roads on land in the county owned by:

(1) the county;

(2) the county board of education; or

(3) the State.

§28–104.

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§28–201.

There is a Board of License Commissioners for St. Mary's County.

§28–202.

(a) (1) The Governor shall appoint five members to the Board, subject to the advice and consent of the Senate.

(2) Of the five members:

(i) one shall be appointed from each of the County Commissioner districts; and

(ii) one shall be appointed at large.

(b) A member of the Board shall be:

(1) (i) of good moral character and integrity; and

(ii) at least 21 years old; and

(2) except for the at–large member, a resident of the County Commissioner district at the time of appointment and during the term of office.

(c) (1) In this subsection, "direct or indirect interest" means an interest that is proprietary or obtained by a loan, mortgage, or lien.

(2) A member of the Board may not:

(i) have a direct or indirect interest in or on a premises where alcoholic beverages are manufactured or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture or sale of alcoholic beverages;

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises where alcoholic beverages are manufactured or sold; or

2. a business wholly or partly devoted to the manufacture or sale of alcoholic beverages; or

(iv) hold any elective public office or position of public employment.

(3) A person who violates this subsection is guilty of a misdemeanor and is subject to a fine not exceeding $1,000.

(d) (1) The term of a member is 4 years.

(2) Except as provided in subsection (e) of this section, a member may serve a maximum of two consecutive terms.

(3) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(e) A member who is appointed to fill a vacancy serves only for the remainder of the term and is eligible to serve the next consecutive term if otherwise qualified and appointed.

(f) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty required by law.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

§28–203.

The at–large member of the Board is the chair.

§28–204.

(a) A majority of the members then serving on the Board is a quorum.

(b) (1) The Board shall meet at least once a month.

(2) Each hearing that the Board holds shall be open to the public.

(c) The County Commissioners shall:

(1) set the annual salary for the chair and each other member of the Board; and

(2) provide for the reasonable and necessary expenses of the Board.

(d) Subject to this section and § 28–206 of this subtitle, the Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

(e) (1) The Board shall appoint an attorney.

(2) The County Commissioners shall set the annual salary for the attorney.

(f) (1) The Board shall appoint an administrator.

(2) The administrator shall carry out the duties assigned by the Board.

(3) The County Commissioners:

(i) shall set the salary of the administrator; and

(ii) may assign clerical assistants to discharge the duties of the Board.

§28–205.

The Board may appoint advisory committees composed of responsible individuals in the county to advise the Board on administering alcoholic beverages laws.

§28–206.

(a) The Board shall appoint an inspector.

(b) An inspector shall:

(1) possess the power of a peace officer in the State arising out of or relating to the enforcement of this article; and

(2) carry out the duties that the Board requires.

(c) The County Commissioners shall set the salary of the inspector.

§28–207.

The Board may regulate the playing time and noise level of live music, a mechanical music box, or a sound making device on licensed premises if the sound disturbs the peace, tranquility, safety, and health of the surrounding neighborhood.

§28–208.

The Board may adopt regulations to carry out this article.

§28–301.

There is no liquor control board or department of liquor control in the county.

§28–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–203 ("Class 9 limited distillery license");

(3) § 2–204 ("Class 2 rectifying license");

(4) § 2–205 ("Class 3 winery license");

(5) § 2–206 ("Class 4 limited winery license");

(6) § 2–207 ("Class 5 brewery license");

(7) § 2–209 ("Class 7 micro–brewery license");

(8) § 2–210 ("Class 8 farm brewery license");

(9) § 2–211 ("Residency requirement");

(10) § 2–212 ("Additional licenses");

(11) § 2–213 ("Additional fees");

(12) § 2–214 ("Sale or delivery restricted");

(13) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(14) § 2–216 ("Interaction between manufacturing entities and retailers");

(15) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

(1) § 2–202 ("Class 1 distillery license"), subject to § 28–403 of this subtitle; and

(2) § 2–208 ("Class 6 pub–brewery license"), subject to § 28–404 of this subtitle.

§28–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

§28–403.

(a) The Board may grant an on–site consumption permit for use at the location of the Class 1 distillery license to a holder of a Class 1 distillery license in the county.

(b) An application for a permit shall be made at least 30 days before the day when the permit is to take effect.

(c) The annual permit fee is $650.

§28–404.

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Section 2–208(d) of this article does not apply in the county.

§28–501.

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

§28–502.

Except as provided in § 28–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§28–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§28–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is $200.

§28–602.

A Class B beer license may not be issued in the county.

§28–603.

A Class C beer license may not be issued in the county.

§28–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fees are:

(1) $200 for a 6–day license; and

(2) $250 for a 7–day license.

§28–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $50.

§28–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§28–802.

(a) There is a Class A–3 beer and wine license.

(b) (1) The license authorizes the license holder to sell beer and wine at retail at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fee is $350.

§28–803.

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

(b) 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 $400.

§28–804.

A Class C beer and wine license may not be issued in the county.

§28–805.

A Class D beer and wine license may not be issued in the county.

§28–901.

(a) There are:

(1) a Class A–1 beer, wine, and liquor 7–day license; and

(2) a Class A–2 beer, wine, and liquor 6–day license.

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) The license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) The annual license fees are:

(1) $400 for a Class A–1 7–day license; and

(2) $300 for a Class A–2 6–day license.

§28–902.

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

(b) The Board may issue the license for use by a hotel that:

(1) accommodates the public and provides service ordinarily found in hotels; and

(2) has:

(i) at least 25 rooms;

(ii) a lobby with a registration and mail desk and seating facilities; and

(iii) a dining room that serves full–course meals at least twice daily.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption at retail at the place described in the license.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 28–2004(b) of this title.

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

§28–903.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at a restaurant at retail at the place described in the license for on– and off–premises consumption.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 28–2004(b) of this title.

(d) The annual license fee is $650.

§28–904.

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

(b) The Board may issue the license for use by a nonprofit organization or club that:

(1) is composed only of members who have served in the armed forces of the United States in a war in which the United States has been engaged;

(2) operates only for its members and guests accompanied by members; and

(3) meets in a clubhouse that is principally used for club purposes.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at a club at the place described in the license for on–premises consumption.

(d) The annual license fee is $350.

§28–905.

(a) There are:

(1) a Class D beer, wine, and liquor 6–day license; and

(2) a Class D beer, wine, and liquor 7–day license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fees are:

(1) $250 for a 6–day license; and

(2) $650 for a 7–day license.

§28–1001.

(a) There is an art establishment license.

(b) The Board may issue the license for use by a for–profit retail business that is engaged in:

(1) the display, sale, or demonstration of original art by an individual artist or a group of artists; or

(2) the instruction of participating clients in creating art.

(c) (1) Subject to paragraph (2) of this subsection, a holder of the license may sell or serve beer and wine at retail for on–premises consumption.

(2) Beer or wine may not be sold or served after 10 p.m.

(d) The license authorizes the license holder to sell or serve to a participating client or customer not more than two 12–ounce offerings of beer or two 5–ounce offerings of wine.

(e) The license may not be transferred from the location for which the license was originally issued 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 $300.

§28–1002.

(a) There is a beauty salon beer and wine license.

(b) The Board may issue the license to a person who holds a beauty salon permit under § 5–501 of the Business Occupations and Professions Article.

(c) The license authorizes the license holder to sell or serve not more than two 12–ounce offerings of beer or two 5–ounce offerings of wine for on–premises consumption by a beauty salon customer while the customer undergoes a cosmetology procedure listed under § 5–101(n)(1) of the Business Occupations and Professions Article.

(d) The license may not be transferred to another location.

(e) A holder of the license may sell or serve beer and wine for on–premises consumption during normal business hours but not later than 9 p.m.

(f) An establishment 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 $300.

§28–1003.

(a) This section applies only to a golf course that is:

(1) on land that is owned by the county; and

(2) operated by a county golf course manager or a golf course manager under a management agreement with the county.

(b) There is a Class M–G beer, wine, and liquor license.

(c) The Board may issue the license to a golf course manager.

(d) The license authorizes the license holder to sell beer, wine, and liquor for consumption on the land and in the facilities used for golfing purposes.

(e) (1) The license holder may designate an agent to sell beer, wine, and liquor at the golf course.

(2) The agent shall be considered the vendor for collecting and remitting the sales and use tax.

(f) On request of the county, the Board may transfer a Class M–G license to a different golf course manager.

(g) The Board shall adopt regulations to carry out this section.

(h) The annual license fee is $600.

§28–1004.

(a) In this section, "nonprofit performing arts theater" means an area, a building, or a structure designed and used for plays, acts, dramas, concerts, or similar events by individuals performing on a stage.

(b) There is a nonprofit performing arts theater beer and wine license.

(c) (1) The Board may issue the license for use on the premises of a performing arts theater that:

(i) has seating; and

(ii) is operated by a nonprofit organization.

(2) The president and two other officers of the nonprofit performing arts theater shall sign the application for the license.

(d) The license authorizes the holder to sell or serve beer and wine at retail for on–premises consumption.

(e) The license holder may sell or serve beer and wine from 1 hour before to 1 hour after:

(1) a regular performance; or

(2) a fund–raiser performance that benefits the nonprofit performing arts theater.

(f) The license holder may purchase beer and wine from a licensed wholesaler.

(g) The annual license fee is $300.

§28–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 28–1102 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 28–1103 of this subtitle.

§28–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) The Board may charge annual permit fees of up to:

(1) $50 for an applicant who holds an underlying license with an off–sale privilege; or

(2) $500 for an applicant who holds an underlying license without an off–sale privilege.

§28–1103.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The Board shall adopt regulations to carry out this section.

(e) (1) Except as provided in paragraph (2) of this subsection, the Board may charge annual permit fees of up to:

(i) $50 for an applicant who holds an underlying license with an off–sale privilege; or

(ii) $500 for an applicant who holds an underlying license without an off–sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§28–1201.

(a) There is a local caterer's license.

(b) The Board may issue the license to a holder of a Class B restaurant or hotel (on–sale) beer, wine, and liquor license.

(c) The license authorizes a holder to:

(1) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B restaurant or hotel (on–sale) beer, wine, and liquor license is issued; and

(2) exercise the privileges of the license only during the hours and on the days authorized for a Class B restaurant or hotel (on–sale) beer, wine, and liquor license.

(d) The license holder shall provide food for consumption at the catered event.

(e) The annual license fee is $250.

(f) This section does not require a holder of a Class B restaurant or hotel (on–sale) beer, wine, and liquor license to obtain a local caterer's license for catering on the premises for which the Class B license is issued.

§28–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1206 ("License to dispose of stock");

(3) § 4–1207 ("Temporary move of licensed premises");

(4) § 4–1208 ("Hours and days of sale"); and

(5) § 4–1209 ("Wine permit for fund–raising event").

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

(1) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses"), which is superseded by § 28–1309 of this subtitle;

(2) § 4–1204 ("Class C per diem beer, wine, and liquor license"), which is superseded by § 28–1309 of this subtitle; and

(3) § 4–1205 ("License fees"), which is superseded by § 28–1310 of this subtitle.

§28–1304.

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

(b) The Board may issue the license to a holder of a retail license authorizing the sale of beer, a Class 5 brewery license, a Class 6 pub–brewery license, a Class 7 micro–brewery license, or a Class 8 farm brewery 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 shall display and sell beer:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the festival.

(e) The Board shall:

(1) choose 1 weekend each year for the beer festival that does not fall on the dates chosen for the Sotterley Wine Festival;

(2) choose a location in Historic St. Mary's City for the festival; and

(3) ensure that the primary focuses of the festival are the promotions of both Maryland beer and tourism in Historic St. Mary's City.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is $15.

(h) The Board shall adopt regulations to carry out this section.

§28–1305.

(a) There is a wine festival (WF) license.

(b) The Board may issue the license to a holder of a retail license that authorizes the sale of wine, Class 3 winery license, or Class 4 limited winery license.

(c) The license authorizes the holder to display and sell wine 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 shall display and sell wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the festival.

(e) The Board shall:

(1) choose 1 weekend each year for the festival;

(2) choose a location that is not already licensed; and

(3) ensure that the primary focus of the festival is the promotion of Maryland wine.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is $15.

(h) The Board shall adopt regulations to carry out this section.

§28–1306.

(a) There is a 1–day Class BWTS beer and wine tasting or sampling license.

(b) The Board may issue the license to:

(1) a holder of a current alcoholic beverages license; or

(2) a religious, fraternal, civic, veterans', hospital, or charitable:

(i) club;

(ii) society;

(iii) association; or

(iv) organization.

(c) The license authorizes the holder to allow the consumption of beer or wine for tasting or sampling if:

(1) the beer or wine is given to consumers at no charge; and

(2) all consumption of the beer or wine occurs at the location of the license holder.

(d) The Board need not publish a license application before issuing the license.

(e) The Board may issue a license to a person not more than 12 times in a calendar year.

(f) An individual may consume beer or wine covered by the license in a quantity not exceeding:

(1) 1 ounce from each offering and 4 ounces from all offerings of wine in a day; and

(2) 2 ounces from each offering and 8 ounces from all offerings of beer in a day.

(g) At the end of the day for which the license is valid, the license holder shall dispose of any beer or wine that remains in a container opened for tasting or sampling.

(h) The license fee is $50.

§28–1307.

(a) There is a BWT beer and wine tasting permit.

(b) The Board may issue the permit only to a holder of a Class A license.

(c) The permit authorizes the holder to allow the on–premises consumption of beer and wine for tasting purposes only.

(d) The holder of a Class A license may apply for and the Board may issue the permit that is effective for a maximum of:

(1) any 26 days in a licensing period;

(2) any 52 days in a licensing period; or

(3) 365 days in a licensing period.

(e) A permit holder shall notify the Board of the holder's intent to have a tasting at least 7 days before the event if the permit is effective for any:

(1) 26 days in a licensing period; or

(2) 52 days in a licensing period.

(f) An individual may consume beer or wine covered by the license in a quantity not exceeding:

(1) 1 ounce from each offering and 4 ounces from all offerings of wine in a day; and

(2) 2 ounces from each offering and 8 ounces from all offerings of beer in a day.

(g) The permit authorizes the consumption of beer or wine only on the licensed premises of the holder.

(h) The permit fees are:

(1) for a permit that is effective for any 26 days in a licensing period, $150;

(2) for a permit that is effective for any 52 days in a licensing period, $200; and

(3) for a permit that is effective for 365 days in a licensing period, $250.

§28–1308.

(a) There is a BWLT beer, wine, and liquor tasting permit.

(b) The Board may issue the permit only to a holder of a Class A license.

(c) The permit authorizes the holder to allow the on–premises consumption of beer, wine, and liquor for tasting purposes only.

(d) The holder of a Class A license may apply for and the Board may issue the permit that is effective for a maximum of:

(1) any 26 days in a licensing period;

(2) any 52 days in a licensing period; or

(3) 365 days in a licensing period.

(e) A permit holder shall notify the Board of the holder's intent to have a tasting at least 7 days before the event if the permit is effective for any:

(1) 26 days in a licensing period; or

(2) 52 days in a licensing period.

(f) An individual may consume beer, wine, or liquor covered by the license in a quantity not exceeding:

(1) 0.5 ounce from each offering and 1.5 ounces from all offerings of liquor in a day;

(2) 1 ounce from each offering and 4 ounces from all offerings of wine in a day; and

(3) 2 ounces from each offering and 8 ounces from all offerings of beer in a day.

(g) The permit authorizes the consumption of beer, wine, or liquor only on the licensed premises of the holder.

(h) The permit fees are:

(1) for a permit that is effective for any 26 days in a licensing period, $200;

(2) for a permit that is effective for any 52 days in a licensing period, $250; and

(3) for a permit that is effective for 365 days in a licensing period, $300.

§28–1309.

(a) There is:

(1) a Class C per diem beer license;

(2) a Class C per diem beer and wine license; and

(3) a Class C per diem beer, wine, and liquor license.

(b) The Board may:

(1) issue a license to a:

(i) religious, fraternal, civic, veterans', or charitable organization, association, club, or society; or

(ii) hospital supporting organization; and

(2) impose conditions on the license.

(c) The period for which a license under this section may be issued is:

(1) for a Class C per diem beer license, not longer than 10 days;

(2) for a Class C per diem beer and wine license, 1 day; and

(3) for a Class C per diem beer, wine, and liquor license, 1 day.

(d) A license holder may purchase the alcoholic beverages to be sold under the license from a retail dealer.

(e) The license holder may hold another license of a different class or nature.

§28–1310.

The license fees under this part are:

(1) for a Class C per diem beer license, $10 per period for which the license is issued;

(2) for a Class C per diem beer and wine license, $10 per day; and

(3) for a Class C per diem beer, wine, and liquor license, $10 per day.

§28–1401.

(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) § 4–111 ("Payment of license fees");

(9) § 4–113 ("Refund of license fees"); and

(10) § 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 §§ 28–1402 through 28–1407 of this subtitle;

(2) § 4–110 ("Required information on application — Petition of support"), subject to § 28–1408 of this subtitle; and

(3) § 4–112 ("Disposition of license fees"), subject to § 28–1410 of this subtitle.

§28–1402.

(a) The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

(b) The Board may obtain criminal history record information on license applicants and their agents from the county police.

§28–1403.

The Board shall make criminal history record information in its possession available only to the administrator, inspector, members, and designees of the Board.

§28–1404.

The hearing for a new applicant and the issuance of a license may not be delayed because of the failure of the Federal Bureau of Investigation to provide the requested criminal history record check by the date of the scheduled hearing.

§28–1405.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article or § 28–1402 of this subtitle on completion of the application process.

§28–1406.

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

§28–1407.

The Board shall adopt regulations to carry out §§ 28–1403, 28–1404, and 28–1406 of this subtitle.

§28–1408.

An individual is eligible to sign the petition of support required under § 4–110 of this article that must be included as part of an application for a license if the individual:

(1) owns real property within 5 miles of the premises for which the license is sought; and

(2) is a registered voter in the county.

§28–1409.

A license may not be issued for the use of a corporation unless the owners of at least 15% of the total stock of the corporation are residents in the county at the time the application for the license is filed.

§28–1410.

The County Treasurer shall:

(1) collect the license fees; and

(2) pay over to the Commissioners of Leonardtown the fees received for licenses issued for premises within the limits of the incorporated Town of Leonardtown.

§28–1411.

(a) Within 90 days after the Board approves an application for a license, the applicant shall attend Responsible Alcohol Service Training.

(b) Attendance at the Responsible Alcohol Service Training does not fulfill the alcohol awareness training requirement under § 4–505 of this article.

§28–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–208 ("Notice of license application required");

(5) § 4–209 ("Hearing");

(6) § 4–210 ("Approval or denial of license application");

(7) § 4–211 ("License forms; effective date; expiration");

(8) § 4–212 ("License not property");

(9) § 4–213 ("Replacement licenses"); and

(10) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to §§ 28–1502 and 28–1503 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 28–1505 of this subtitle and Subtitle 13, Part III of this title; and

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 28–1505 of this subtitle and Subtitle 13, Part III of this title.

§28–1502.

The Board may not issue a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license to a person that holds an out–of–state alcoholic beverages license.

§28–1503.

A license application shall be disapproved and the license shall be denied if the Board determines that the applicant has been convicted of a felony.

§28–1504.

The County Treasurer shall collect license fees and may issue licenses.

§28–1505.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§28–1506.

(a) The Board may authorize a license holder to install an additional bar or serving counter within a reasonable distance of the main building of the premises served by the license held by the license holder.

(b) The Board shall determine what is a reasonable distance for an additional bar or serving counter.

(c) An additional license is not required for an additional bar or serving counter.

§28–1507.

Cider and native wine may be sold by their makers without a license.

§28–1601.

(a) The Board may not:

(1) issue more than one Class A license:

(i) for every 1,350 individuals that live in an election district in the county other than the 8th election district; and

(ii) for every 4,000 individuals that live in the 8th election district; or

(2) approve the transfer of a license issued under item (1) of this subsection from one election district to another election district unless the transfer can be made without exceeding the license quotas provided in item (1) of this subsection.

(b) The Board shall use the population statistics from the most recent County Planning Commission annual report to maintain the license quotas provided in subsection (a)(1) of this section.

§28–1602.

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment that is within 300 feet of a place of worship or a public or nonpublic kindergarten, elementary, or secondary school.

(2) The distance from the establishment to the place of worship or the public or nonpublic kindergarten, elementary, or secondary school is to be

measured from the nearest wall of the establishment in a direct line to the nearest point of the main building of the place of worship or the school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply:

(1) in Leonardtown; or

(2) if a place of worship or school locates its building within 300 feet of a premises that is already licensed.

§28–1603.

The Board may not issue any license with an off–sale privilege for use in a business that is intended to be operated as a drive–through sales facility at which alcoholic beverages are:

(1) sold at retail; and

(2) dispensed through a window or door to a purchaser in or on a motor vehicle for off–premises consumption.

§28–1606.

(a) (1) Subject to subsections (b) and (c) of this section, the Board may issue to an individual or for the use of a person not more than three Class B beer, wine, and liquor restaurant licenses.

(2) The licenses specified in paragraph (1) of this subsection are for separate premises.

(3) Only one of the licenses specified in paragraph (1) of this subsection may authorize the sale of alcohol for off–premises consumption.

(b) (1) Subject to paragraph (2) of this subsection, a person may not have a direct or indirect interest in more than three Class B beer, wine, and liquor restaurant licenses.

(2) A person may not have a direct or indirect interest in more than one Class B beer, wine, and liquor restaurant license that authorizes the sale of alcohol for off–premises consumption.

(c) An indirect interest is presumed to exist between any combination of persons if any of the following conditions exist between them:

(1) a common parent company;

(2) a franchise agreement;

(3) a licensing agreement;

(4) a concession agreement;

(5) dual membership in a chain of businesses commonly owned and operated;

(6) (i) a sharing of directors, stockholders, partners, or members; or

(ii) a sharing of directors, stockholders, partners, or members of parents or subsidiaries;

(7) common direct or indirect sharing of profit from the sale of alcoholic beverages; or

(8) a sharing of a common trade name, trademark, logo, or theme or mode of operation identifiable by the public.

§28–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory");

(2) § 4–303 ("Chain store, supermarket, or discount house");

(3) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(4) § 4–306 ("Substitution of names of officers on license").

(b) Section 4–305 ("Filing fee and endorsement") of Division I of this article applies in the county, subject to § 28–1702 of this subtitle.

§28–1702.

The fee for a transfer of a license is $100.

§28–1703.

The Board may not transfer an off–sale license for use in a business that is intended to be operated as a drive–through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off–premises consumption.

§28–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–405 ("Contents of renewal application");

(4) § 4–406 ("Protests");

(5) § 4–409 ("Multiple licenses"); and

(6) § 4–410 ("Chain store, supermarket, or discount house").

(b) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article do not apply in the county:

(1) § 4–404 ("Filing period for renewal application") and is superseded by § 28–1802 of this subtitle; and

(2) § 4–408 ("Issuance of renewed licenses") and is superseded by § 28–1803 of this subtitle.

(c) Section 4–407 ("Denial of renewal application") of Division I of this article applies in the county, subject to § 28–1804 of this subtitle.

§28–1802.

(a) To renew a license, the license holder shall file an application with the Administrator of the Board between February 1 and March 3, inclusive.

(b) A holder of an expired license may apply to the Board for a new license.

§28–1803.

(a) The Board may issue renewed licenses between April 1 and May 1, inclusive.

(b) A license expires on the first April 30 after its effective date.

§28–1804.

(a) The Board may deny a license renewal if the license holder or a stockholder of the corporation that uses the license has been convicted of a felony.

(b) The Board:

(1) shall hold a public hearing before renewing a license under the circumstances described in subsection (a) of this section; and

(2) may inquire into all relevant facts and circumstances concerning the felony offense at the hearing.

§28–1805.

Notwithstanding § 28–1502 of this title, the Board may renew a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license originally issued to a holder of an out–of–state alcoholic beverages license.

§28–1806.

The requirement for a criminal history records check under § 4–107 of this article does not apply to applicants for license renewal.

§28–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–505 ("Alcohol awareness program");

(4) § 4–506 ("Evidence of purchaser's age");

(5) § 4–507 ("Retail delivery of alcoholic beverages"); and

(6) § 4–508 ("Display of license").

(b) Section 4–504 ("Employment of underage individuals") of Division I of this article applies in the county, subject to § 28–1902 of this subtitle.

§28–1902.

(a) An individual at least 18 years old may serve alcoholic beverages in a restaurant in connection with serving a meal.

(b) An individual under the age of 21 years may not act as a bartender or in a solely bar–related capacity.

§28–1903.

(a) Except as provided in subsection (b) of this section, a consumer may not remain on the premises of an establishment that sells alcoholic beverages after the hours of sale end.

(b) On Sunday morning, a consumer may remain on the premises of an establishment that sells alcoholic beverages for one–half hour after the hours of sale end.

§28–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§28–2002.

(a) A holder of a Class A beer license may sell beer on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) Reserved.

(c) Reserved.

(d) A holder of a Class D beer license may sell beer on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

§28–2003.

(a) A holder of a Class A beer and wine license may sell beer and wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer and wine license may sell beer and wine on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(c) Reserved.

(d) Reserved.

§28–2004.

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(d) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

§28–2005.

After a license holder has filed an application in a form and at a time that the Board requires, the Board may issue a permit authorizing the license holder to keep the licensed premises open on January 1.

§28–2101.

Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article applies in the county without exception or variation.

§28–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§28–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

§28–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§28–2402.

In addition to the other powers of the circuit court for the county provided in Title 4, Subtitle 9 of this article, the court may remand the proceedings to the Board.

§28–2501.

(a) An establishment not licensed by the Board, at a location under the control or possession of the establishment, may not:

(1) sell or serve alcoholic beverages to a member or guest;

(2) keep alcoholic beverages for a member or guest;

(3) allow a customer to consume or to be served alcoholic beverages from the supplies that the customer has previously purchased or reserved; or

(4) sell, serve, keep, or allow to be consumed setups or other component parts of mixed alcoholic drinks to a member or guest.

(b) A person who operates an establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into or on the grounds of the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

§28–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§28–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–205 ("Peace officers");

(5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(7) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(8) § 6–209 ("Adoption of standards for authorization of consumption"); and

(9) § 6–211 ("Fines and forfeitures").

(b) Section 6–210 ("State preemption of local disorderly intoxication laws") of Division I of this article does not apply in the county and is superseded by § 28–2602 of this subtitle.

§28–2602.

The county may:

(1) adopt an ordinance or resolution supplementing the prohibition against disorderly intoxication under § 6–319 of this article; and

(2) regulate possession or consumption of alcoholic beverages on public property, property used by the public, or on a highway.

§28–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(4) § 6–310 ("Providing free food");

(5) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(6) § 6–312 ("Beverage misrepresentation");

(7) § 6–313 ("Tampering with alcoholic beverage container");

(8) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(9) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(10) § 6–316 ("Maximum alcohol content");

(11) § 6–317 (“Multiple serving purchase required”);

(12) § 6–320 (“Disorderly intoxication”);

(13) § 6–321 (“Consumption of alcoholic beverages in public”);

(14) § 6–322 (“Possession of open container”);

(15) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(16) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(17) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(18) § 6–328 (“Tax evasion”);

(19) § 6–329 (“Destruction of evidence”); and

(20) § 6–330 (“Perjury”).

(b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county:

(1) § 6–304 (“Selling or providing alcoholic beverages to individual under the age of 21 years”), subject to § 28–2702 of this subtitle;

(2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated individual”), subject to § 28–2703 of this subtitle; and

(3) §§ 6–308 (“Allowing on–premises consumption of alcoholic beverages not purchased from license holder”) and 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”), subject to § 28–2704 of this subtitle.

§28–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§28–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or an employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§28–2704.

Sections 6–308 and 6–319 of this article do not apply to:

(1) a Class C beer license, beer and wine license, or beer, wine, and liquor license issued to a bona fide religious, fraternal, civic, veterans', hospital, or charitable organization; or

(2) a license issued to an outdoor motor sports facility that is located in Mechanicsville or Budds Creek.

§28–2705.

(a) A person engaged in the manufacture or sale of alcoholic beverages, an agent or employee of the person, or a license holder may not, directly or indirectly, offer or make a payment or gift to:

(1) a member of the Board;

(2) an employee of the Board; or

(3) a person acting on behalf of a member or an employee of the Board.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

§28–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§28–2802.

(a) (1) A person who violates a law relating to hours or days for the sale of alcoholic beverages is guilty of a misdemeanor and on conviction is subject to imprisonment or a fine not exceeding $250 or both.

(2) If the Board finds that a person has violated a law relating to licensing the sale of alcoholic beverages, the Board may:

(i) revoke or suspend the person's license;

(ii) impose a civil penalty not exceeding $2,500; or

(iii) both revoke or suspend the person's license and impose a civil penalty not exceeding $2,500.

(b) If an employee of a license holder sells alcoholic beverages to an individual under the age of 21 years the Board may impose a fine on the employee not exceeding $500 per offense.

§29–101.

(a) In this title:

(1) 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 Somerset County.

(c) "County" means Somerset County.

§29–102.

This title applies only in Somerset County.

§29–103.

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§29–201.

There is a Board of License Commissioners for Somerset County.

§29–202.

(a) The Governor shall appoint three members to the Board, subject to the advice and consent of the Senate.

(b) (1) Each member of the Board shall be:

(i) a resident and voter of the county; and

(ii) an individual of high character and integrity and of recognized business capacity.

(2) Not more than two members may belong to the same political party.

(c) The term of a member is 2 years.

(d) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings made on the charges.

§29–203.

In making the appointments, the Governor shall designate a chair from among the members of the Board.

§29–204.

(a) (1) The chair of the Board shall receive a salary of $4,000 annually.

(2) Each other member of the Board shall receive a salary of $3,500 annually.

(3) The County Commissioners shall pay the salaries of the members of the Board.

(4) The County Commissioners may pay for expenses of the Board, including:

(i) salaries of personnel other than members of the Board; and

(ii) costs of printing, supplies, and other expenses related to the operation of the Board.

(b) The Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) except as otherwise provided in this section, set the compensation of the employees.

(c) The Board:

(1) shall appoint a clerk to the Board at a salary of $4,000 annually; and

(2) may designate an attorney for the Board at a salary of $4,500 annually.

§29–205.

The Board may adopt regulations to carry out this article.

§29–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–209 ("Class 7 micro–brewery license");

(9) § 2–210 ("Class 8 farm brewery license");

(10) § 2–211 ("Residency requirement");

(11) § 2–212 ("Additional licenses");

(12) § 2–213 ("Additional fees");

(13) § 2–214 ("Sale or delivery restricted");

(14) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(15) § 2–216 ("Interaction between manufacturing entities and retailers");

(16) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(17) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2–208 ("Class 6 pub–brewery license") of Division I of this article does not apply in the county.

§29–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§29–501.

The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–301 ("Licenses issued by Comptroller");

(2) § 2–302 ("Class 1 beer, wine, and liquor wholesaler's license");

(3) § 2–303 ("Class 2 wine and liquor wholesaler's license");

(4) § 2–304 ("Class 3 beer and wine wholesaler's license");

(5) § 2–305 ("Class 4 beer wholesaler's license");

(6) § 2–306 ("Class 5 wine wholesaler's license");

(7) § 2–307 ("Class 6 limited wine wholesaler's license");

(8) § 2–308 ("Class 7 limited beer wholesaler's license");

(9) § 2–309 ("Sale and delivery of beer or wine from wholesaler's vehicle");

(10) § 2–310 ("Sale and delivery to retail license holder");

(11) § 2–311 ("Additional wholesaler's licenses");

(12) § 2–312 ("Direct importation of alcoholic beverages");

(13) § 2–313 ("Sale or delivery restricted to holder of license or permit");

(14) § 2–314 ("Beer sale on credit to retail dealer prohibited");

(15) § 2–315 ("Interaction between wholesaling entities and retailers");

(16) § 2–316 ("Distribution of alcoholic beverages — Prohibited practices"); and

(17) § 2–317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

§29–502.

Except as provided in § 29–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§29–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§29–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) A license may not be issued for a premises having a direct or indirect connection with a drug or pharmaceutical dispensing business or other business establishment of a type commonly known as a drugstore.

(3) The license holder shall sell the beer in a sealed package or container.

(4) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fees are:

(1) $126 for a 6–day license; and

(2) $158 for a 7–day license.

§29–602.

(a) There is a Class B beer license.

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

(c) The annual license fee is $253.

§29–603.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) The annual license fee is $32.

§29–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on–and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is $253.

§29–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $63.

§29–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§29–802.

(a) There is:

(1) a Class A beer and wine 6–day license; and

(2) a Class A beer and wine 7–day license.

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) A person may not hold the license for use by an establishment with a direct or indirect connection to a drugstore.

(d) The annual license fees are:

(1) $190 for a 6–day license; and

(2) $221 for a 7–day license.

§29–803.

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

(b) 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 $253.

§29–804.

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

(b) The license authorizes the license holder to sell beer and wine to a member of a club and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is $45.

§29–805.

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

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $253.

§29–901.

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

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail to consumers at the place described in the license.

(2) A license may not be issued for a premises having a direct or indirect connection with a drug or pharmaceutical dispensing business or other business establishment of a type commonly known as a drugstore.

(3) The license holder shall sell the beer, wine, and liquor in a sealed package or container.

(4) The package or container may not be opened and its contents may not be consumed on the premises where the beer, wine, or liquor was sold.

(c) The annual license fee is $5,000.

§29–902.

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

(b) The Board may issue the license for use at a hotel or motel that:

(1) accommodates the public, providing services ordinarily found in a hotel or motel;

(2) has a lobby with registration, mail desk, and seating facilities; and

(3) maintains at least:

(i) 10 rooms for occupancy by guests if the hotel was in operation on June 1, 1967; or

(ii) 20 rooms for occupancy by guests if the hotel started operations after June 1, 1967, with the hotel facilities assessed for State and county taxation at an amount that is at least $45,000.

(c) The Board may issue the license for use at a restaurant that:

(1) serves full–course meals at least twice daily;

(2) exclusive of bar seating or counter seating, has table seating for at least 50 individuals; and

(3) for the 12 months immediately before the application for the license, has daily average receipts from the sale of food that exceed the daily average receipts from the sale of alcoholic beverages.

(d) The license authorizes the license holder to sell at retail at the place described in the license:

(1) beer, wine, and liquor for on–premises consumption; and

(2) beer for off–premises consumption.

(e) The annual license fee is $1,265.

§29–903.

§29–904.

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

(b) The license authorizes the license holder to sell at retail at the place described in the license:

(1) beer, wine, and liquor for on–premises consumption; and

(2) beer and wine for off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is $1,265.

§29–1001.

(a) There is a Class C (fraternal or sororal organization) beer, wine, and liquor license.

(b) The Board may issue the license for use by a lodge or chapter of a nonprofit and nationwide fraternal or sororal organization that:

(1) is composed of inducted members;

(2) was operating in the county for at least 1 year before the license application was made;

(3) has at least 25 members paying dues of at least $15 per year per member; and

(4) owns or operates a home or clubhouse that is principally for the use of its members and guests when accompanied by members.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 29–2004 of this title.

(e) The annual license fee is $316.

§29–1002.

(a) There is a Class C (veterans' organization or club) beer, wine, and liquor license.

(b) The Board may issue the license for use by a local unit of a nationwide nonprofit veterans' organization or club that:

(1) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;

(2) has held a charter from the national veterans' organization or club for at least 1 year before the license application was made;

(3) has at least 35 members paying dues of at least $4 per year per member; and

(4) owns or operates a home or clubhouse that is only for the use of its members and guests when accompanied by members.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 29–2004 of this title.

(e) The annual license fee is $316.

§29–1003.

(a) There is a Class C (yacht or country and golf club) beer, wine, and liquor license.

(b) The Board may issue the license for use by a club that:

(1) has at least 30 members paying dues of at least $20 per year per adult member; and

(2) owns and operates a clubhouse on premises that are principally used for its members.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 29–2004 of this title.

(e) The annual license fee is $316.

§29–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article do not apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"); and

(2) § 4–1105 ("Refillable container permit — Wine").

§29–1201.

(a) There is a local caterer's license.

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

(1) a Class B restaurant or hotel (on–sale) beer and wine license; or

(2) a Class B restaurant or hotel (on–sale) beer, wine, and liquor license.

(c) (1) The license authorizes:

(i) the holder of a Class B beer and wine license to provide beer and wine at events that are held off the premises of the restaurant or hotel; and

(ii) the holder of a Class B beer, wine, and liquor license to provide beer, wine, and liquor at events that are held off the premises of the restaurant or hotel.

(2) The holder may exercise the privileges under the license only during the hours and days that are allowed for the holder's Class B license.

(d) The license holder shall provide food for consumption at the catered event.

(e) The annual license fee is $550.

(f) This section does not require a holder of an existing Class B restaurant or hotel (on–sale) beer and wine license or a Class B restaurant or hotel (on–sale) beer, wine, and liquor license to obtain a caterer's license for catering on the premises for which the Class B license is issued.

§29–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1206 ("License to dispose of stock");

(3) § 4–1207 ("Temporary move of licensed premises");

(4) § 4–1208 ("Hours and days of sale"); and

(5) § 4–1209 ("Wine permit for fund–raising event").

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

(1) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses"), which is superseded by § 29–1308 of this subtitle;

(2) § 4–1204 ("Class C per diem beer, wine, and liquor license"), which is superseded by § 29–1308 of this subtitle; and

(3) § 4–1205 ("License fees"), which is superseded by § 29–1309 of this subtitle.

§29–1304.

(a) There is a Somerset County Maryland Wine Festival (SCMWF) license.

(b) The Board may issue the license to a holder of a temporary alcoholic beverages license, Class 3 winery license, or Class 4 limited winery license.

(c) The license authorizes the holder to display and sell wine that is produced and processed in the State.

(d) A license holder shall display and sell wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the Somerset County Maryland Wine Festival.

(e) The Board:

(1) each year may choose 1 weekend during the months of May or June for the Somerset County Maryland Wine Festival; and

(2) shall choose a location for the festival.

(f) The license holder may hold another license of a different class or nature.

(g) The license fee is $19.

(h) The Board shall adopt regulations to carry out this section.

§29–1305.

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

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

(c) The license authorizes the holder to allow the consumption of beer or wine that may be sold under the beer, wine, and liquor license or the beer and wine license for tasting if the consumer is not charged for the beer or wine.

(d) The Board shall regulate:

(1) the quantity of beer or wine to be served to each individual; and

(2) the number of bottles of beer or wine from which this quantity is being served.

(e) (1) In addition to the cost of the beer, wine, and liquor license or the beer and wine license, the annual BWT license fee is $150.

(2) In addition to the annual BWT license fee, the issuing fee is $100.

(f) The privileges granted by the license may not be exercised during a festival event.

§29–1306.

(a) There is a liquor tasting license.

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

(c) The license authorizes the holder to allow the consumption of liquor for tasting if:

(1) the license holder is authorized to sell the liquor; and

(2) the consumer is not charged for the liquor.

(d) An individual may consume liquor at a liquor tasting in a quantity of not more than:

(1) one–half ounce from each offering of liquor; and

(2) five offerings in 1 day.

(e) In addition to the cost of the Class A beer, wine, and liquor license, the liquor tasting license fees are:

(1) for a license that is effective for only 1 day in a licensing period, $20;

(2) for a license that is effective for any 26 days in a licensing period, $200;

(3) for a license that is effective for any 52 days in a licensing period, $300; and

(4) for a license that is effective for any 104 days in a licensing period, $400.

§29–1308.

(a) The Board may issue a per diem license of any class.

(b) A license holder may exercise the privileges of the license at any entertainment event held by a club.

(c) The Board may not require that an application for a per diem license be published before issuing the license.

(d) The period for which a license may be issued is:

(1) for a per diem beer license or a per diem beer and wine license, not longer than 7 consecutive days; and

(2) for a per diem beer, wine, and liquor license, not longer than 14 consecutive days.

§29–1309.

(a) The fee for a per diem beer license, a per diem beer and wine license, and a per diem beer, wine, and liquor license is:

(1) $63 each day for the first and second day of the license period; and

(2) $32 each day after the second day of the license period.

(b) The fee shall be paid to the Board for deposit in the county treasury.

§29–1401.

(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) § 4–110 ("Required information on application — Petition of support");

(8) § 4–111 ("Payment of license fees");

(9) § 4–112 ("Disposition of license fees");

(10) § 4–113 ("Refund of license fees"); and

(11) § 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 §§ 29–1402 through 29–1404 of this subtitle; and

(2) § 4–109 ("Required information on application — In general"), in addition to §§ 29–1405 and 29–1406 of this subtitle.

§29–1402.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

§29–1403.

The Board may make criminal history record information available only to Board members and their designees.

§29–1404.

The Board shall charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

§29–1405.

An applicant shall include in the application a statement of consent to an investigation by the Board of the applicant's criminal history record information.

§29–1406.

In addition to the information required under Title 4, Subtitle 1 of this article, the Board may require an applicant for a license to include any other information that the Board considers necessary.

§29–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–209 ("Hearing");

(5) § 4–210 ("Approval or denial of license application");

(6) § 4–211 ("License forms; effective date; expiration");

(7) § 4–212 ("License not property");

(8) § 4–213 ("Replacement licenses"); and

(9) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to § 29–1502 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 29–1503 of this subtitle and Subtitle 13, Part III of this title;

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 29–1503 of this subtitle and Subtitle 13, Part III of this title; and

(4) § 4–208 ("Notice of license application required"), subject to § 29–1504 of this subtitle.

§29–1502.

(a) After the Board approves a license application, the County Supervisor of Tax Collection shall issue the license on payment of the license fee and the fee required by subsection (b) of this section.

(b) A license applicant shall pay to the Board a fee of $350 to cover the costs of:

(1) the notice required under § 29–1504 of this subtitle; and

(2) processing the application.

§29–1503.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§29–1504.

Notice of a license application shall be published once a week for 2 consecutive weeks in at least one newspaper published in the municipality or unincorporated area in which or nearest to which the location described in the application is situated.

§29–1601.

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment that is within 200 feet of a place of worship, school, public library, or youth center.

(2) The distance is to be measured from the nearest point of the establishment to the nearest point of the property line of the place of worship, public library, school, or youth center.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) a licensed establishment that existed before the place of worship, school, public library, or youth center was built within 200 feet of the licensed establishment;

(2) an establishment having any previous owner who was the holder of a license to sell alcoholic beverages; and

(3) a temporary license.

§29–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house"); and

(2) § 4–304 ("Compliance with Bulk Transfers Act required").

(b) Section 4–306 ("Substitution of names of officers on license") of Division I of this article does not apply in the county and is superseded by § 29–1705 of this subtitle.

(c) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory"), subject to § 29–1703 of this subtitle; and

(2) § 4–305 ("Filing fee and endorsement"), subject to § 29–1704 of this subtitle.

§29–1702.

An applicant for a transfer of a license is subject to a State and national criminal history records check under § 4–107 of this article.

§29–1703.

The Board may waive the publication notice required under § 4–302 of this article for the transfer of a Class C club license if:

(1) the person whose name appears on the license becomes ineligible; and

(2) a new application for the same class of license is properly filed with the Board within 10 days after the person becomes ineligible.

§29–1704.

The fee for a transfer of a license is $50, in addition to the costs of publication, notice, and any hearing fees required.

§29–1705.

(a) (1) Subject to paragraph (2) of this subsection, for a license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

(i) has died;

(ii) has retired; or

(iii) no longer holds an office in the corporation or club.

(2) A substitute officer shall be an individual approved by the Board who meets all the requirements applicable to the original officer.

(b) The license holder shall file an affidavit with the Board that contains:

(1) the substitution of the officer; and

(2) an explanation for the substitution.

(c) On receipt of the affidavit by the Board and payment of a $50 fee to the County Treasurer, the Board shall:

(1) amend its records; and

(2) issue a corrected license.

§29–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–406 ("Protests");

(4) § 4–407 ("Denial of renewal application");

(5) § 4–408 ("Issuance of renewed licenses");

(6) § 4–409 ("Multiple licenses"); and

(7) § 4–410 ("Chain store, supermarket, or discount house").

(b) Section 4–404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 29–1802 of this subtitle.

(c) Section 4–405 ("Contents of renewal application") of Division I of this article applies in the county, subject to § 29–1803 of this subtitle.

§29–1802.

(a) An applicant for license renewal shall pay a renewal application fee of $50 to the County Treasurer in addition to the license fee.

(b) If an applicant fails to renew a license in a timely manner as determined by the Board, the applicant shall pay a late renewal fee of $100 in addition to the renewal application fee.

§29–1803.

The Board may not renew a license until the license holder has presented the Board with a certificate of receipt issued by the County Finance Office showing that there are no unpaid taxes on the inventory and personal property of the renewal applicant due to the county or State.

§29–1804.

The Board may exempt applicants for license renewal from the requirement for a criminal history records check under § 4–107 of this article.

§29–1901.

Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article applies in the county without exception or variation.

§29–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§29–2002.

(a) (1) A holder of a 6–day Class A beer license may sell beer on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) A holder of a 7–day Class A beer license may sell beer:

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

(ii) on Sunday, from 8 a.m. to 2 a.m. the following day.

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

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

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

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

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

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

§29–2003.

(a) (1) A holder of a Class A beer and wine license may sell beer and wine:

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

(ii) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) A holder of a 7–day Class A beer and wine license may sell beer and wine on Sunday, from 8 a.m. to 2 a.m. the following day.

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

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

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

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

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

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

§29–2004.

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

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

(2) on Sunday, from 8 a.m. to 2 a.m. the following day.

(b) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B beer, wine, and liquor (on–sale) license may sell beer, wine, and liquor:

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

(ii) on Sunday, from 12:30 p.m. to midnight if food is available for purchase on the premises.

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

(c) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class C beer, wine, and liquor (on–sale) license may sell beer, wine, and liquor:

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

(ii) on Sunday, from 12:30 p.m. to midnight if food is available for purchase on the premises.

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

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

(1) on Monday, from 8 a.m. to 2 a.m. the following day; and

(2) on Tuesday through Saturday, from 6 a.m. to 2 a.m. the following day.

§29–2005.

The Board shall determine the hour when a license holder shall stop selling alcoholic beverages on December 31 and January 1, regardless of the day of the week on which these dates fall.

§29–2006.

Alcoholic beverages may not be consumed on a licensed premises from 2 a.m. on Sunday to 8 a.m. on the following day except for alcoholic beverages sold:

(1) for on–premises consumption, by a holder of a Class B beer, wine, and liquor license or Class C beer, wine, and liquor license, who may sell beer, wine, and liquor from 12:30 p.m. to midnight on Sunday, if food is available for purchase on the premises; or

(2) for off–premises consumption, by a holder of a 7–day Class A beer license or a 7–day Class A beer and wine license, who may sell alcoholic beverages as authorized by the license from 8 a.m. on Sunday to 2 a.m. the following day.

§29–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–603 ("Revocation and suspension procedures");

(3) § 4–604 ("Grounds for revocation or suspension"); and

(4) § 4–606 ("Effects of revocation").

(b) Section 4–605 ("Nudity and sexual displays") of Division I of this article does not apply in the county.

§29–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§29–2301.

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4–802 ("Expiration of license on death of license holder");

(2) § 4–804 ("Transfer or reinstatement of license");

(3) § 4–805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4–806 ("Refund").

(b) Section 4–803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 29–2302 of this subtitle.

§29–2302.

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

(i) the surviving spouse;

(ii) the surviving partners for the benefit of the partnership; or

(iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

(i) for the balance of the license year; and

(ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

(1) the surviving spouse;

(2) the surviving partners of a partnership; or

(3) the senior surviving officer of a corporation for the benefit of the corporation.

§29–2401.

(a) The following sections of Title 4, Subtitle 9 ("Judicial Review") of Division I of this article apply in the county without exception or variation:

(1) § 4–902 ("Judicial review of decision of local licensing board");

(2) § 4–904 ("Stay of local board's petition");

(3) § 4–905 ("Scope of judicial review");

(4) § 4–906 ("Representation of local licensing board");

(5) § 4–907 ("Affirmations, modifications, and reversals"); and

(6) § 4–908 ("Appeals to Appellate Court of Maryland and Supreme Court of Maryland").

(b) Section 4–903 ("Petitioners") of Division I of this article applies in the county, subject to § 29–2402 of this subtitle.

§29–2402.

In addition to the requirements of § 4–903 of this article with respect to the payment of all costs incident to a hearing before the Board, a person that petitions for judicial review of a decision of the Board to the circuit court shall pay to the Board a fee of $100.

§29–2501.

(a) A person may not serve setups, including drinking containers and ice, or serve, keep, or allow to be consumed alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

(1) does not hold a license under this article; and

(2) allows at its location any form of sexual display or attire prohibited under § 4–605 of this article.

(b) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§29–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§29–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–205 ("Peace officers");

(5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(7) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(8) § 6–209 ("Adoption of standards for authorization of consumption"); and

(9) § 6–210 ("State preemption of local disorderly intoxication laws").

(b) Section 6–211 ("Fines and forfeitures") of Division I of this article applies in the county, subject to § 29–2602 of this subtitle.

§29–2602.

One–half of each fine imposed in the county shall be disposed of as provided under § 7–507 of the Courts Article.

§29–2605.

This part applies to the Town of Crisfield.

§29–2606.

(a) A judge in the District Court may issue a search warrant if a police officer or any other applicant files a complaint or an affidavit that:

(1) is sworn to by the applicant;

(2) describes with particularity the place or thing to be searched;

(3) describes with particularity the things to be searched for; and

(4) states that the applicant has reason to believe that alcoholic beverages are sold or kept to be sold or otherwise disposed of in violation of law.

(b) A warrant issued under this section shall:

(1) be directed to the sheriff, deputy sheriff, or proper police officer;

(2) include a copy of the affidavit;

(3) require the officer to whom the warrant is directed to search the place or thing described in the warrant and seize any:

(i) alcoholic beverages and their vessels found in quantities that suggest that they are being kept for sale;

(ii) means to sell alcoholic beverages, including furniture, implements, and equipment;

(iii) paraphernalia of a barroom or saloon that sells alcoholic beverages; and

(iv) United States Internal Revenue tax receipts for the sale of alcoholic beverages dated during the time of the alleged offense; and

(4) require the officer to report in writing on the search and make an immediate return on the warrant.

(c) An affidavit, a warrant for search, and a report and return shall be substantially in the following form:

State of Maryland, Somerset County, to wit:

To: ....., of Somerset County:

Greetings: Whereas, there has been filed with the undersigned an affidavit, of which the following is a copy, to wit: Whereas on this .... day of ...., 20.., before the Subscriber, ... in and for said County, personally appeared ...., and made complaint and oath that the applicant has just and reasonable cause to suspect and believe and does suspect and believe that intoxicating liquor is sold, or except for the purpose of being sold or otherwise disposed of in violation of the law in the .... of .... at, in .... of said County, and that in and upon said premises and at said place and house will be found upon search thereof, the following:

Intoxicating liquors, and the vessels and bottles in which the same are contained, and barroom, and drinking saloon paraphernalia, and the United States Internal Revenue tax receipt for sale of intoxicating liquor at this time effective (and any other facts material):

These Are Therefore, in the name of the State of Maryland, to command you, together with the necessary and proper assistance, to enter into the said .... of the said .... at, in .... in the County aforesaid, and there diligently search for the said intoxicating liquor and means used for the sale of same, or any part thereof as described in the aforegoing affidavit of complaint, and that you bring the same, or any part thereof, found in such search, and the person or persons in whose custody they are found forthwith before me to be disposed of and dealt with according to law; and have you there this warrant.

Given under my hand this .... day of ...., 20...

.....
Judge of the District Court

REPORT AND RETURN

To Hon. ...., Judge of the District Court in Somerset County

This Return and Report, made this .... day of ...., 20.., is to certify, That pursuant and in obedience to the commands of the annexed warrant to me directed, I did on the .... day of ...., 20.., enter and search the place, house and premises described in said warrant and found and seized the following, to wit: (here set forth what was found and seized), and do forthwith bring the same, and one .... the person in whose custody the same were found before you.

.....
(Person serving warrant)

§29–2607.

An applicant for a warrant under this subtitle or an agent of the applicant may:

(1) accompany the officer who serves the warrant;

(2) point out and enter the place or thing to be searched; and

(3) assist the officer in searching the place or thing.

§29–2608.

(a) Except as provided in subsection (b) of this section, a warrant may not be issued to search a residence unless:

(1) the residence or part of the residence is used as a store, hotel, restaurant, or boarding house;

(2) the residence is used as a public resort; or

(3) the residence is used to keep, hide, or provide alcoholic beverages to sell or for another use that violates the law.

(b) A judge of the District Court may issue a warrant after determining that the issuance would be proper, based on an examination of:

(1) the applicant for the warrant; or

(2) other evidence.

§29–2609.

If an owner or operator of the establishment or thing from which alcoholic beverages or other items are seized cannot be served under this subtitle, the officer seizing the items shall:

(1) post a copy of the warrant in a conspicuous location at the place searched or at or near the thing searched; and

(2) hold the items subject to the order of the court and make return of that action.

§29–2610.

(a) (1) After scheduling a hearing to determine the purpose for which the alcoholic beverages are kept, the court shall issue a hearing notice to the officer who carried out the search.

(2) On receipt of the notice, the officer shall post the notice at or near the place or thing where the alcoholic beverages were found.

(b) If no one appears to claim the alcoholic beverages or other seized items at the hearing scheduled in accordance with this section or within 30 days after the hearing, the court shall order that the alcoholic beverages and other items be disposed of.

§29–2611.

(a) If a prosecution under this article results in a conviction and an appeal is not taken:

(1) alcoholic beverages seized in connection with the prosecution shall be ordered to be destroyed; and

(2) other property seized in connection with the prosecution shall continue to be held as the property of the defendant or the owner.

(b) If a prosecution under this article does not result in a conviction, property seized in connection with the prosecution shall be returned to the person from whom it was taken.

(c) (1) Subject to paragraph (2) of this subsection, a person's claim of insufficiency of the description of the alcoholic beverages seized under this subtitle or the place or thing searched provided in the complaint or warrant does not result in the immediate return of the alcoholic beverages to the person.

(2) The person with a claim of insufficiency under paragraph (1) of this subsection is entitled to a hearing on the claim when the case is tried.

(3) A conviction under this subtitle bars an action for:

(i) the recovery of alcoholic beverages or the value of alcoholic beverages; or

(ii) damages alleged to have arisen from seizing alcoholic beverages.

(4) Alcoholic beverages or other items seized under this subtitle may not be taken from the custody of the officer by a writ of replevin or other process while a prosecution under this subtitle is pending.

§29–2612.

(a) A place where alcoholic beverages are sold in violation of this article or Title 5 of the Tax – General Article is a public nuisance.

(b) (1) On conviction of the owner or operator of the place, the place may be closed and the public nuisance may be abated until a $2,000 bond is posted, payable to the State.

(2) The bond shall be conditioned on the owner or operator:

(i) not selling alcoholic beverages in violation of this article; and

(ii) paying all fines, costs, and damages assessed against the owner.

(3) If a condition of the bond is violated, the county may bring action against the owner or operator for fines, costs, and damages.

(c) If a jury trial is requested or an appeal is taken in a case in which a place is alleged to be a public nuisance, the place shall be closed until the defendant posts a $2,000 bond under the same conditions as those specified under subsection (b) of this section.

(d) A person who owns or operates a public nuisance as described in subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 or imprisonment not exceeding 2 years or both.

§29–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with the alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 ("Maximum alcohol content");

(12) § 6–317 ("Multiple serving purchase required");

(13) § 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder");

(14) § 6–320 ("Disorderly intoxication");

(15) § 6–321 ("Consumption of alcoholic beverages in public");

(16) § 6–322 ("Possession of open container");

(17) § 6–323 ("Possession or use of Alcohol Without Liquid machine");

(18) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");

(19) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");

(20) § 6–328 ("Tax evasion");

(21) § 6–329 ("Destruction of evidence"); and

(22) § 6–330 ("Perjury").

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 29–2702 of this subtitle; and

(2) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 29–2703 of this subtitle.

§29–2702.

The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§29–2703.

The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§29–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§29–2802.

The Board may impose a fine not exceeding $4,000 or suspend a license or both for a violation that is cause for license suspension under the alcoholic beverage laws affecting the county.

§30–101.

(a) In this title:

(1) 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 Talbot County.

(c) "County" means Talbot County.

§30–102.

This title applies only in Talbot County.

§30–103.

(a) The county governing body shall regulate the retail sale of alcoholic beverages in the county.

(b) (1) A law regulating the retail sale of alcoholic beverages that is enacted by the county governing body prevails over a provision in the Code of Public General Laws of Maryland.

(2) Unless the county governing body enacts a conflicting or inconsistent law regulating the retail sale of alcoholic beverages, the Code of Public General Laws remains in effect.

§30–104.

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§30–201.

There is a Board of License Commissioners for Talbot County.

§30–202.

(a) (1) The Governor shall appoint three regular members and one substitute member to the Board.

(2) The appointments shall be made:

(i) if the Senate is in session, with the advice and consent of the Senate; or

(ii) if the Senate is not in session, by the Governor alone.

(b) Each member of the Board shall be:

(1) a resident and voter of the county; and

(2) an individual of high character and integrity and of recognized business capacity.

(c) (1) The substitute member shall serve:

(i) when a regular member is absent, recused, or incapacitated for any reason; or

(ii) if a vacancy occurs.

(2) A substitute member:

(i) shall serve until the regular member's absence, recusal, or incapacity ends or the vacancy is filled; and

(ii) has all the powers and duties of a regular member when serving on the Board.

(d) (1) The term of a member is 6 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(e) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves for the remainder of the term and until a successor is appointed and qualifies.

(f) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

§30–203.

From among its members, the Board shall elect a chair.

§30–204.

(a) (1) The chair of the Board shall receive a salary of $750 annually.

(2) Each other member of the Board shall receive a salary of $500 annually.

(b) The Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

§30–205.

(a) Subject to subsection (b) of this section, the County Council shall pay the salaries and expenses of the Board from license fees.

(b) The Board may not spend more than $3,500 in any year for salaries and expenses.

§30–206.

The Board may adopt regulations to carry out this article.

§30–301.

There is no liquor control board or department of liquor control in the county.

§30–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–210 ("Class 8 farm brewery license");

(9) § 2–211 ("Residency requirement");

(10) § 2–212 ("Additional licenses");

(11) § 2–213 ("Additional fees");

(12) § 2–214 ("Sale or delivery restricted");

(13) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(14) § 2–216 ("Interaction between manufacturing entities and retailers");

(15) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

(1) § 2–208 ("Class 6 pub–brewery license"), subject to § 30–403 of this subtitle; and

(2) § 2–209 ("Class 7 micro–brewery license"), subject to § 30–404 of this subtitle.

§30–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

§30–403.

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) The Executive Director shall specify which local license is the equivalent of the Class B beer, wine, and liquor license specified in § 2–208(b) of this article.

§30–404.

(a) This section applies to a Class 7 micro–brewery license in the county.

(b) The Executive Director shall specify which local license is the equivalent of the Class B beer, wine, and liquor license specified in § 2–209(b) of this article.

§30–501.

Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article applies in the county without exception or variation.

§30–502.

Except as provided in § 30–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday and election days.

§30–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§30–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fee is $25.

§30–602.

(a) There is a Class B beer license.

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

(c) The annual license fee is $250.

§30–603.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) The annual license fee is $25.

§30–604.

A Class D beer license may not be issued in the county.

§30–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $50.

§30–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§30–802.

A Class A beer and wine license may not be issued in the county.

§30–803.

A Class B beer and wine license may not be issued in the county.

§30–804.

A Class C beer and wine license may not be issued in the county.

§30–805.

A Class D beer and wine license may not be issued in the county.

§30–901.

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

(b) The license may be issued only to a grocery store, a drugstore, an incorporated club, a restaurant, or a hotel that has been doing business in the county for more than 1 year before the date of the application for the license.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall deliver the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

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

§30–902.

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

(b) (1) The Board may issue the license for use in:

(i) a hotel that:

1. has 25 or more bedrooms located under one roof; and

2. regularly serves meals; or

(ii) a restaurant:

1. that seats at least 50 individuals; and

2. for which at least 60% of the gross income is derived from the sale of food.

(2) The license holder may not make a liquor sale that:

(i) exceeds 1 quart; or

(ii) is made at a bar or counter.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail, at the place described in the license, for on–premises consumption.

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

§30–903.

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

(b) (1) The Board may issue the license for use by a club that:

(i) except as provided in item (ii) of this paragraph, has had at least 50 members paying dues of at least $10 per year per member for the 5 years immediately before the year for which the license is issued; or

(ii) if the club is composed exclusively of members who served in the armed forces of the United States and is affiliated with a national organization, has at least 50 members paying the dues that were required by the national organization in the year immediately before the year for which the license is issued.

(2) The license authorizes the license holder to sell beer, wine, and liquor at a club at retail at the place described in the license, for on–premises consumption.

(c) The annual license fee is $250.

§30–904.

A Class D beer, wine, and liquor license may not be issued in the county.

§30–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article do not apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"); and

(2) § 4–1105 ("Refillable container permit — Wine").

§30–1301.

Title 4, Subtitle 12 ("Temporary Licenses") of Division I of this article does not apply in the county.

§30–1401.

(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) § 4–111 ("Payment of license fees");

(10) § 4–112 ("Disposition of license fees");

(11) § 4–113 ("Refund of license fees"); and

(12) § 4–114 ("Fees for licenses issued for less than 1 year").

(b) Section 4–107 ("Criminal history records check") of Division I of this article applies in the county, subject to §§ 30–1402 through 30–1404 of this subtitle.

§30–1402.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

§30–1403.

The Board may make criminal history record information available only to Board members and their designees.

§30–1404.

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

§30–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–202 ("Authority of local licensing boards");

(2) § 4–205 ("Chain store, supermarket, or discount house");

(3) § 4–206 ("Limitations on retail sales floor space");

(4) § 4–207 ("Licenses issued to minors");

(5) § 4–208 ("Notice of license application required");

(6) § 4–209 ("Hearing");

(7) § 4–210 ("Approval or denial of license application");

(8) § 4–211 ("License forms; effective date; expiration");

(9) § 4–212 ("License not property");

(10) § 4–213 ("Replacement licenses"); and

(11) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 30–1502 of this subtitle; and

(2) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 30–1502 of this subtitle.

§30–1502.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§30–1701.

Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article applies in the county without exception or variation.

§30–1702.

An applicant for a transfer of a license is subject to a State and national criminal history records check under § 4–107 of this article.

§30–1801.

Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article applies in the county without exception or variation.

§30–1802.

The Board may exempt applicants for license renewal from the requirement for a criminal history records check under § 4–107 of this article.

§30–1901.

Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article applies in the county without exception or variation.

§30–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§30–2002.

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

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

(2) on Sunday, from 8 a.m. to 10 p.m.

(b) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B beer license may sell beer for on–premises consumption:

(i) on Monday through Saturday, from 6 a.m. to midnight; and

(ii) on Sunday, from 12:30 p.m. to 10 p.m.

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

(c) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class C beer license may sell beer for on–premises consumption:

(i) on Monday through Saturday, from 6 a.m. to midnight; and

(ii) on Sunday, from 12:30 p.m. to 10 p.m.

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

(d) Reserved.

§30–2003.

(a) A holder of a Class A beer and wine license may sell beer and wine on Monday through Saturday, from 6 a.m. to midnight.

(b) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B beer and wine license may sell beer and wine from 6 a.m. to midnight.

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

(c) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class C beer and wine license may sell beer and wine from 6 a.m. to midnight.

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

(d) Reserved.

§30–2004.

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 8 a.m. to midnight.

(b) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

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

(ii) on Sunday, for consumption on the premises, from 8 a.m. to 10 p.m.

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

(c) (1) Except as provided in paragraph (2) of this subsection, a holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor:

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

(ii) on Sunday, for on–premises consumption, from 12:30 p.m. to 10 p.m.

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

(d) Reserved.

§30–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–603 ("Revocation and suspension procedures");

(3) § 4–604 ("Grounds for revocation or suspension"); and

(4) § 4–606 ("Effects of revocation").

(b) Section 4–605 ("Nudity and sexual displays") of Division I of this article does not apply in the county.

§30–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§30–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

§30–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§30–2501.

(a) A person may not serve setups, including drinking containers and ice, or serve, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

(1) does not hold a license under this article; and

(2) allows at its location any form of attire or sexual display prohibited under § 4–605 of this article.

(b) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§30–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§30–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–205 ("Peace officers");

(5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(7) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(8) § 6–209 ("Adoption of standards for authorization of consumption"); and

(9) § 6–210 ("State preemption of local disorderly intoxication laws").

(b) Section 6–211 ("Fines and forfeitures") of Division I of this article applies in the county, subject to § 30–2602 of this subtitle.

§30–2602.

One–half of each fine imposed in the county shall be distributed as provided under § 7–507 of the Courts Article.

§30–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years");

(2) § 6–305 ("Proof of age for sale of alcoholic beverages");

(3) § 6–306 ("Defense to prosecution for sale to underage individual");

(4) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual");

(5) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(6) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(7) § 6–310 ("Providing free food");

(8) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(9) § 6–312 ("Beverage misrepresentation");

(10) § 6–313 ("Tampering with alcoholic beverage container");

(11) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(12) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(13) § 6–316 ("Maximum alcohol content");

(14) § 6–317 ("Multiple serving purchase required");

(15) § 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder");

(16) § 6–320 ("Disorderly intoxication");

(17) § 6–321 ("Consumption of alcoholic beverages in public");

(18) § 6–323 ("Possession or use of Alcohol Without Liquid machine");

(19) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");

(20) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");

(21) § 6–328 ("Tax evasion");

(22) § 6–329 ("Destruction of evidence"); and

(23) § 6–330 ("Perjury").

(b) Section 6–322 ("Possession of open container") of Division I of this article does not apply in the county.

§30–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§31–101.

(a) In this title:

(1) 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 Washington County.

(c) "County" means Washington County.

§31–102.

This title applies only in Washington County.

§31–103.

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§31–201.

There is a Board of License Commissioners for Washington County.

§31–202.

(a) (1) The Governor shall appoint three members to the Board.

(2) The appointments shall be made:

(i) if the Senate is in session, with the advice and consent of the Senate; or

(ii) if the Senate is not in session, by the Governor alone.

(b) (1) Each member of the Board shall be:

(i) a resident and voter of the county; and

(ii) an individual of high character and integrity and of recognized business capacity.

(2) Not more than two members of the Board may belong to the same political party.

(c) A member of the Board may not have a pecuniary or other interest in any phase of the manufacture, sale, or distribution of alcoholic beverages.

(d) (1) The term of a member is 6 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(e) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(f) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

§31–203.

In making the appointments, the Governor shall designate a chair from among the members of the Board.

§31–204.

(a) (1) The annual salaries for the Board shall be set by the County Commissioners under Title 28, Subtitle 2 of the Local Government Article.

(2) The salaries specified in this subsection are payable monthly from the license fees derived from the issuance of licenses authorized by this article.

(b) (1) The Board may:

(i) employ:

1. a secretary;

2. inspectors; and

3. clerical and other assistants as are necessary; and

(ii) set the compensation of the employees.

(2) An employee of the Board may not have a pecuniary or other interest in any phase of the manufacture, sale, or distribution of alcoholic beverages.

§31–205.

(a) The Board annually shall engage an independent certified public accounting firm to conduct an audit in accordance with government auditing

standards to express an opinion on the fair presentation of the financial statements of the Board.

(b) By November 1 after the close of each fiscal year, the accounting firm shall provide copies of the audit report to the members of the Board and the senators and delegates who constitute the Washington County Delegation to the Maryland General Assembly.

§31–206.

(a) From the license fees collected, the Board shall pay the salaries of Board members and Board employees and the expenses of the Board.

(b) After payments made under subsection (a) of this section, the Board shall pay the fees collected from licensed premises:

(1) to the municipality where the licensed premises is located; or

(2) if the licensed premises is not in a municipality, to the County Commissioners for the use of the county.

§31–207.

The Board may adopt regulations to carry out this article.

§31–301.

There is no liquor control board or department of liquor control in the county.

§31–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–207 ("Class 5 brewery license");

(6) § 2–210 ("Class 8 farm brewery license");

(7) § 2–211 ("Residency requirement");

(8) § 2–212 ("Additional licenses");

(9) § 2–213 ("Additional fees");

(10) § 2–214 ("Sale or delivery restricted");

(11) § 2–216 ("Interaction between manufacturing entities and retailers");

(12) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(13) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

(1) § 2–205 ("Class 3 winery license"), subject to § 31–402.1 of this subtitle;

(2) § 2–206 ("Class 4 limited winery license"), subject to § 31–402.1 of this subtitle;

(3) § 2–208 ("Class 6 pub–brewery license"), subject to § 31–403 of this subtitle;

(4) § 2–209 ("Class 7 micro–brewery license"), subject to § 31–404 of this subtitle; and

(5) § 2–215 ("Beer sale on credit to retail dealer prohibited"), subject to § 31–405 of this subtitle.

§31–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday or an election day.

§31–402.1.

(a) There is a special event permit.

(b) The Board may issue the permit to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) The permit authorizes the holder to sell for on–premises consumption beer, wine produced by the holder, sparkling wine that is naturally or artificially carbonated, and liquor at an event for which the entire licensed premises has been rented.

(d) The license holder shall purchase beer, sparkling wine that is naturally or artificially carbonated, or liquor intended for sale under the permit from a licensed retailer.

(e) The license holder shall keep all receipts of purchase of alcoholic beverages for 1 year after the date of purchase.

(f) The license holder that intends to use the permit shall notify the Board at least 1 week before the event is to occur.

(g) The license holder may use the permit not more than 32 times in a year.

(h) The annual permit fee is $1,000.

§31–403.

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Section 2–208(d) of this article does not apply in the county.

§31–404.

(a) This section applies to a Class 7 micro–brewery license in the county.

(b) Notwithstanding § 2–209(b) of this article, the license may be issued only to the holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the county; or

(2) a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license located in the county.

(c) The Executive Director may not issue a license for premises on property that has been leased unless the landlord of the property presents to the Executive Director a receipt or certificate showing that there are no unpaid taxes due to the State, a county, or any local government from the landlord or any entity in which the landlord has a direct or indirect interest that:

(1) is proprietary; or

(2) has been obtained by a loan, mortgage, or lien, or in any other manner.

(d) Notwithstanding § 2–209(g) of this article, for the holder of a Class D license in the county the hours and days for retail sales under the Class 7 micro–brewery license are those established for a Class D license in the county.

§31–405.

(a) This section and § 2–215 of this article do not apply to a:

(1) club that is the holder of a Class C beer, wine, and liquor license; or

(2) hotel that is the holder of a Class B beer, wine, and liquor license.

(b) (1) A cash deposit for a returnable container shall be required at the time of sale or delivery of beer.

(2) For purposes of construing § 2–215 of this article:

(i) a check accepted for payment that is not postdated and is promptly deposited for collection is considered cash; and

(ii) a check that is given in payment for alcoholic beverages to a holder of the license, and is returned uncollected, is prima facie evidence in a civil case of a violation of this section or § 2–215 of this article.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§31–501.

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–301 ("Licenses issued by Comptroller");

(2) § 2–302 ("Class 1 beer, wine, and liquor wholesaler's license");

(3) § 2–303 ("Class 2 wine and liquor wholesaler's license");

(4) § 2–304 ("Class 3 beer and wine wholesaler's license");

(5) § 2–305 ("Class 4 beer wholesaler's license");

(6) § 2–306 ("Class 5 wine wholesaler's license");

(7) § 2–307 ("Class 6 limited wine wholesaler's license");

(8) § 2–308 ("Class 7 limited beer wholesaler's license");

(9) § 2–309 ("Sale and delivery of beer or wine from wholesaler's vehicle");

(10) § 2–310 ("Sale and delivery to retail license holder");

(11) § 2–311 ("Additional wholesaler's licenses");

(12) § 2–312 ("Direct importation of alcoholic beverages");

(13) § 2–313 ("Sale or delivery restricted to holder of license or permit");

(14) § 2–315 ("Interaction between wholesaling entities and retailers");

(15) § 2–316 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

(b) Section 2–314 ("Beer sale on credit to retail dealer prohibited") of Division I of this article applies in the county, subject to § 31–504 of this subtitle.

§31–502.

Except as provided in § 31–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§31–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§31–504.

(a) This section and § 2–314 of this article do not apply to a:

(1) club that is the holder of a Class C beer, wine, and liquor license; or

(2) hotel that is the holder of a Class B beer, wine, and liquor license.

(b) For purposes of applying § 2–314 of this article:

(1) a cash deposit for a returnable container shall be required at the time of sale or delivery of beer;

(2) a check accepted for payment that is not postdated and is promptly deposited for collection is considered cash; and

(3) a check that is given in payment for beer to a holder of the license, and is returned uncollected, is prima facie evidence of a violation by the wholesaler of § 2–314 of this article.

(c) A suit or civil action to enforce or collect a claim for credit extended or enforce payment of a check given for payment in violation of this section may not be maintained in the State.

(d) A person who violates § 2–314 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§31–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) (1) The annual license fee is $100.

(2) The fee for a Sunday permit is $250.

§31–602.

(a) There is a Class B beer license.

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

(c) (1) The annual license fee is $350.

(2) The fee for a Sunday permit is $250.

§31–603.

(a) There is a Class B (on–sale only) beer license.

(b) (1) The Board may issue the license for use by a restaurant that:

(i) is in a permanent building with ample space and accommodations;

(ii) commonly offers hot and cold meals that are prepared, sold, and served to the public during regular business hours;

(iii) has a dining area with regular seating capacity at tables, chairs, and booths, that, excluding seats at bars or counters, can accommodate at least 50 customers;

(iv) is equipped with sufficient kitchen and dining facilities for regularly preparing and serving meals to the public;

(v) maintains a menu that advertises a variety of food that the establishment serves;

(vi) serves food at all times whenever beer is being served or consumed; and

(vii) has, on an annual basis, gross sales of food and nonalcoholic beverages that exceed its gross sales of alcoholic beverages.

(2) The license:

(i) may be issued countywide by the Board; and

(ii) is not subject to the population ratio quota requirements under § 31–1601 of this title.

(3) The license authorizes the license holder to sell beer at retail at the place described in the license for on–premises consumption.

(c) The term of the license is 1 year and begins on May 1.

(d) (1) (i) Once every licensing cycle, the license holder shall comply with a request from the Board to submit a Food Alcohol Ratio Report covering 2 preceding quarters that the Board selects to demonstrate compliance with the annual gross sales requirement under subsection (b)(1)(vii) of this section.

(ii) To enforce this paragraph, the Board may:

1. request that a license holder provide supporting data or additional information;

2. fine a license holder; or

3. suspend a license.

(2) When submitting a Food Alcohol Ratio Report, the license holder shall include a current menu and information on hours of operation and sales amounts and percentages for the specified quarters for food, nonalcoholic beverages, and alcoholic beverages.

(3) The license holder or the license holder's accountant shall complete, sign, and provide for the notarization of the Food Alcohol Ratio Report.

(e) As a prerequisite for the renewal of the license, the applicant shall have demonstrated compliance with the annual gross sales requirement under subsection (b)(1)(vii) of this section.

(f) (1) The annual license fee is $50.

(2) The fee for a Sunday permit is $250.

§31–604.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) Subtitles 14 and 15 of this title and § 3–102 of the General Provisions Article do not apply to an applicant for the license.

(d) (1) The annual license fee is $100.

(2) The fee for a Sunday permit is $250.

§31–605.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) (1) The annual license fee is $100.

(2) The fee for a Sunday permit is $250.

§31–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 3 winery license or a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $50.

§31–801.

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

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) (1) The annual license fee is $150.

(2) The fee for a Sunday permit is $250.

§31–802.

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

(b) 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) (1) The annual license fee is $400.

(2) The fee for a Sunday permit is $250.

§31–803.

(a) There is a Class B beer and wine (on–sale only) license.

(b) (1) The Board may issue the license for use by a restaurant that:

(i) is in a permanent building with ample space and accommodations;

(ii) commonly offers hot and cold meals that are prepared, sold, and served to the public during regular business hours;

(iii) has a dining area with regular seating capacity at tables, chairs, and booths, that, excluding seats at bars or counters, can accommodate at least 50 customers;

(iv) is equipped with sufficient kitchen and dining facilities for regularly preparing and serving meals to the public;

(v) maintains a menu that advertises a variety of food that the establishment serves;

(vi) serves food at all times whenever beer and wine are being served or consumed; and

(vii) has, on an annual basis, gross sales of food and nonalcoholic beverages that exceed its gross sales of alcoholic beverages.

(2) The license authorizes the license holder to sell beer and wine at retail at the place described in the license for on–premises consumption.

(3) The license:

(i) may be issued countywide by the Board; and

(ii) is not subject to the population ratio quota requirements under § 31–1601 of this title.

(c) The term of the license is 1 year and begins on May 1.

(d) (1) (i) Once every licensing cycle, the license holder shall comply with a request from the Board to submit a Food Alcohol Ratio Report covering 2 preceding quarters that the Board selects to demonstrate compliance with the annual gross sales requirement under subsection (b)(1)(vii) of this section.

(ii) To enforce this paragraph, the Board may:

1. request that a license holder provide supporting data or additional information;

2. fine a license holder; or

3. suspend a license.

(2) When submitting a Food Alcohol Ratio Report, the license holder shall include a current menu and information on hours of operation and sales amounts and percentages for the specified quarters for food, nonalcoholic beverages, and alcoholic beverages.

(3) The license holder or the license holder's accountant shall complete, sign, and provide for the notarization of the Food Alcohol Ratio Report.

(e) As a prerequisite for the renewal of the license, the applicant shall have demonstrated compliance with the annual gross sales requirement under subsection (b)(1)(vii) of this section.

(f) (1) The annual license fee is $200.

(2) The fee for a Sunday permit is $250.

§31–804.

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

(b) The license authorizes the license holder to sell beer and wine to a member of a club and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) Subtitles 14 and 15 of this title and § 3–102 of the General Provisions Article do not apply to an applicant for the license.

(d) (1) The annual license fee is $200.

(2) The fee for a Sunday permit is $250.

§31–805.

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

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) (1) The annual license fee is $150.

(2) The fee for a Sunday permit is $250.

§31–901.

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

(b) (1) A license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(2) The license holder shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(c) A license under this section may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(d) (1) The annual license fee is $600.

(2) The fee for a Sunday permit is $250.

§31–902.

(a) There is a Class B beer, wine, and liquor (on–sale) restaurant license.

(b) The Board may issue the license for use by a restaurant that:

(1) is located in a permanent building with ample space and accommodations;

(2) commonly offers hot and cold meals that are prepared, sold, and served to the public during regular business hours;

(3) excluding seats at bars or counters, has a dining area with regular seating capacity at tables, chairs, and booths, that can accommodate at least 50 customers;

(4) has sufficient kitchen and dining facilities for regularly preparing and serving meals to the public;

(5) maintains a menu that advertises a variety of food that the establishment serves;

(6) serves food at all times whenever alcoholic beverages are being served or consumed; and

(7) has, on an annual basis, gross sales of food and nonalcoholic beverages that exceed its gross sales of alcoholic beverages.

(c) The license:

(1) authorizes the license holder to sell beer, wine, and liquor for on–premises consumption; and

(2) is not subject to the population ratio quota requirements under § 31–1601 of this title.

(d) The term of the license is 1 year and begins on May 1.

(e) (1) (i) Once every licensing cycle, the license holder shall comply with a request from the Board to submit a Food Alcohol Ratio Report covering 2 preceding quarters that the Board selects to demonstrate compliance with the annual gross sales requirement under subsection (b)(1)(vii) of this section.

(ii) To enforce this paragraph, the Board may:

1. request that a license holder provide supporting data or additional information;

2. fine a license holder; or

3. suspend a license.

(2) The applicant or the applicant's accountant shall complete, sign, and provide for the notarization of the Food Alcohol Ratio Report.

(3) When submitting a Food Alcohol Ratio Report, the applicant shall include a current menu and information on hours of operation and sales amounts and percentages for the specified quarters for food, nonalcoholic beverages, and alcoholic beverages.

(f) As a prerequisite for the renewal of the license, the applicant shall have demonstrated compliance with the annual gross sales requirement under subsection (b)(1)(vii) of this section.

(g) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor (on–sale only) license under § 31–2004(c) of this title.

(h) (1) The annual license fee is $750.

(2) The fee for a Sunday permit is $250.

§31–903.

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

(b) The Board may issue the license to the owner of a hotel or motel that:

(1) is in a building at least three stories tall that was originally constructed for hotel or motel purposes;

(2) has a capital investment of at least $500,000; and

(3) contains:

(i) at least one passenger elevator;

(ii) at least 100 rooms to accommodate the public;

(iii) a lobby with a registration and mail desk and seating facilities; and

(iv) a ballroom, conference room, or banquet room.

(c) The license authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant at retail at the place described in the license:

(1) through room service or otherwise to registered guests; or

(2) by the glass, bottle, or can to individuals attending an event in a ballroom, conference room, or banquet room.

(d) The privileges of the license may be exercised:

(1) for on– and off–premises consumption, if:

(i) the license was issued on or before June 30, 2016, with an off–sale privilege; and

(ii) the license holder has operated a retail store on the licensed premises since at least June 30, 2016; and

(2) for on–premises consumption only, for all other licenses.

(e) The license holder shall notify the Board before constructing or altering an area on the premises where beer, wine, and liquor are sold.

(f) Except as provided in regulations adopted by the Board under subsection (h) of this section, the license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor (on–sale) license under § 31–2004(c) of this title.

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

(2) The fee for a Sunday permit is $250.

(h) The Board may adopt regulations to carry out this section, including regulations that:

(1) provide for the manner of dispensing beer, wine, and liquor under the license;

(2) provide for the hours and days of sale; and

(3) limit the quantity of alcoholic beverages that may be sold to an individual as a single serving or during a 24–hour period.

§31–904.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at a club, at the place described in the license, for on–premises consumption.

(c) (1) The annual license fee is:

(i) $500 for a club with fewer than 600 members, including social members; and

(ii) $1,000 for a club with at least 600 members, including social members.

(2) The fee for a Sunday permit is $250.

§31–905.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) (1) The annual license fee is $750.

(2) The fee for a Sunday permit is $250.

§31–1001.

(a) There is an amusement park beer license.

(b) The Board may issue the license to the operator of an amusement park, whether an individual, an association of individuals, or a corporation.

(c) The license authorizes the license holder to sell beer at one or more locations within the confines of the park.

(d) The license holder may sell beer from 8 a.m. to midnight on every day from May 1 to September 30 of each year, except Sundays and election days.

(e) Sections 4–203, 4–204, and 4–205 of this article do not apply to a license issued under this section.

(f) The annual license fee is $100.

§31–1001.1.

(a) There is a Class CT (cinema/theater) (on–sale) beer, wine, and liquor license.

(b) The Board may issue the license for use in a cinema or theater that:

(1) is in a building that is designed or used primarily for the exhibition of motion pictures to the public;

(2) has a capacity to hold at least 100 permanently installed seats; and

(3) has a minimum of six movie theater rooms.

(c) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption by the drink, bottle, and can:

(i) 1. in a designated area of the lobby, for 45 minutes before a movie starts; and

2. in a VIP room that holds special events, for the 45 minutes before a movie starts and during the showing of the movie; or

(ii) to an individual who has a ticket to a movie and proper identification.

(2) A license holder may exercise the privileges of the license:

(i) from Monday through Saturday; and

(ii) on Sunday, if the license holder is issued a Sunday permit.

(3) A license holder may sell beer, wine, and liquor without serving food.

(4) An individual serving beer, wine, and liquor:

(i) may not mix the contents of one bottle with the contents of another bottle; and

(ii) shall dispose of or destroy all empty bottles and cans.

(d) (1) A license holder shall:

(i) obtain a crowd control training certificate from a program that is certified by the Board; and

(ii) while selling beer, wine, and liquor, have one certified crowd control manager on the licensed premises for every 250 individuals present.

(2) Notwithstanding § 31–1903(a) of this title, a license holder shall require one individual who has completed a certified alcohol awareness program to be on the licensed premises at all times when alcohol is being served.

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

(2) The annual Sunday permit fee is $250.

§31–1002.

(a) There is a Class C (country and golf club) beer, wine, and liquor license.

(b) An application for the license shall be signed by three officers of the country and golf club.

(c) The Board may issue the license for use by a country and golf club that:

(1) has at least 200 members paying dues of at least $30 per year per member; and

(2) maintains a regular or championship golf course of at least nine holes.

(d) The license authorizes the license holder to sell beer, wine, and liquor to members of the club and their guests at retail at the place described in the license for consumption on the premises and grounds of the club.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 31–2004 of this title.

(f) (1) The annual license fee is $1,000 for the license year that begins in May.

(2) The fee for a Sunday permit is $250.

§31–1003.

(a) There is:

(1) a Class C (golf course) beer and wine license; and

(2) a Sunday Class C (golf course) beer and wine license.

(b) The Board may issue the licenses for use by a public golf course or organization that has a regular or championship golf course with a minimum of nine holes.

(c) (1) The license holder may sell beer and wine for consumption on the land and in the buildings, including the clubhouse, used for golfing purposes.

(2) A patron need not be seated to be served.

(d) (1) Except as provided in paragraph (2) of this subsection, the license holder may sell beer and wine during the hours and days as set out for a Class C beer and wine license under § 31–2003 of this title.

(2) The Board may reduce the license holder's hours of sale of beer and wine for all or part of the licensed premises.

(e) The annual license fee is:

(1) $750 for a 6–day Class C (golf course) beer and wine license; and

(2) $250 for a Sunday Class C (golf course) beer and wine license.

§31–1004.

(a) There is:

(1) a Class C (golf course) beer, wine, and liquor license; and

(2) a Sunday Class C (golf course) beer, wine, and liquor license.

(b) The Board may issue the licenses for use by a public golf course or organization that has a regular or championship golf course with a minimum of nine holes.

(c) (1) A license holder may sell beer, wine, and liquor for consumption on the land and in the buildings, including the clubhouse, used for golfing purposes.

(2) A patron need not be seated to be served.

(d) (1) Except as provided in paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor during the hours and days as set for a Class C beer, wine, and liquor license under § 31–2004 of this title.

(2) The Board may reduce a license holder's hours of sale of beer, wine, and liquor for all or part of the licensed premises.

(e) The annual license fee is:

(1) $1,000 for a 6–day Class C (golf course) beer, wine, and liquor license; and

(2) $250 for a Sunday Class C (golf course) beer, wine, and liquor license.

§31–1005.

(a) In this section, "premises" includes the entire multi–use sports and events facility.

(b) There is a multi–use sports and events facility beer, wine, and liquor license.

(c) The Board may issue the license to the owner of a professional baseball team franchise that may be in any form of business organization, including partnership, corporation, and limited liability company that will operate as a multi–use sports and events facility.

(d) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption to individuals present at an event held in the multi–use sports and events facility.

(e) The license holder shall require all employees to:

(1) complete an alcohol awareness training program; and

(2) obtain a crowd control training certificate.

(f) The license holder may not allow an individual to carry alcoholic beverages onto or from the licensed premises.

(g) The annual license fee is $2,500.

§31–1006.

(a) There is a Class B–theater license.

(b) The Board may issue the license for use in a theater that:

(1) is operated by a nonprofit organization;

(2) appears on the National Register of Historic Places;

(3) accommodates at least 1,400 individuals; and

(4) is located on the south side of Hagerstown.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption only to individuals who attend a performance or an event held at the theater.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 31–2004 of this title.

(e) (1) The annual license fee is $200.

(2) The fee for a Sunday permit is $250.

§31–1007.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Hospitality and tourism management degree program" means a degree program at an institution of higher education that offers classes that provide a comprehensive study of alcoholic beverages with an emphasis on the origin, production, classification, and service of beer, wine, and liquor.

(ii) "Hospitality and tourism management degree program" includes classes that study bartending, alcohol awareness, liability, and the responsible serving of alcoholic beverages.

(3) "Institution of higher education" has the meaning stated in § 10–101 of the Education Article.

(b) There is a university and college hospitality beer, wine, and liquor license.

(c) (1) The Board may issue the license to an institution of higher education that offers a hospitality and tourism management degree program.

(2) As part of the license application, an applicant shall provide to the Board:

(i) a drawing and description of the designated area where the preparing, serving, or consuming of alcoholic beverages during the hospitality and tourism management class will take place; and

(ii) the location of the locked storage facility where the alcoholic beverages will be stored when not in use.

(3) A license shall expire on the June 30 immediately following the issuance of the license.

(d) A license holder must submit to the Board a form documenting the dates and hours of a hospitality and tourism management class at least 14 days before the hospitality and tourism management class begins.

(e) The license authorizes the license holder to allow the preparation, serving, and consumption of beer, wine, and liquor by individuals who are:

(1) at least 21 years old; and

(2) registered in a hospitality and tourism management class offered by the license holder.

(f) A license holder may conduct the activities specified in subsection (e) of this section only:

(1) on the licensed premises; and

(2) during the hospitality and tourism management class dates and hours specified in subsection (d) of this section.

(g) A license holder shall ensure that at least one instructor of a hospitality and tourism management class is:

(1) certified by an alcohol awareness program; and

(2) present during the dates and hours of the hospitality and tourism management class.

(h) A license holder shall allow the Executive Director or the Executive Director's designee, the Board or the Board's designee, or a peace officer of the county, to inspect and search the licensed premises at any time.

(i) A license holder shall comply with:

(1) municipal ordinances; and

(2) fire and health department regulations.

(j) A license holder may purchase beer, wine, and liquor from a holder of a retail or wholesaler's license.

(k) (1) The annual license fee is $750.

(2) The annual fee for a Sunday permit is $250.

§31–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 31–1102 of this subtitle;

(2) § 4–1105 ("Refillable container permit — Wine"), subject to § 31–1102.1 of this subtitle; and

(3) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 31–1102.2 of this subtitle.

§31–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The annual permit fees are:

(1) $50 for an applicant whose license has an off–sale privilege; and

(2) $500 for an applicant whose license does not have an off–sale privilege.

§31–1102.1.

(a) The Board may issue a refillable container permit for wine to a holder of a Class A wine license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) The annual permit fee is $50.

§31–1102.2.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class A license, a Class B license, or a Class D license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) (1) Except as provided in paragraph (2) of this subsection, the annual permit fees are:

(i) $50 for an applicant whose license has an off–sale privilege; and

(ii) $500 for an applicant whose license does not have an off–sale privilege.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§31–1103.

(a) There is a sidewalk cafe/patio permit.

(b) The Board may issue the permit to a holder of or an applicant for a Class B, Class B Restaurant, or Class D license.

(c) The permit authorizes the permit holder to sell and serve alcoholic beverages in an area approved by the Board.

(d) To maintain a sidewalk cafe/patio permit, the permit holder shall:

(1) comply with regulations applicable to the issuance of the underlying Class B, Class B Restaurant, or Class D license;

(2) observe all county and municipal ordinances including zoning, fire and health department regulations, and, if applicable, any landlord requirements regarding property usage and noise control; and

(3) keep the kitchen open during all hours of operation and have prepared meals available to be served in the sidewalk cafe/patio.

(e) (1) In accordance with this subsection, before granting a permit under this section, the Board must approve the outdoor area of the premises where alcoholic beverages will be provided.

(2) The applicant shall submit for the Board's approval any plan of a proposed renovation or construction of a sidewalk cafe/patio, deck, or other outdoor area on the premises, including the area of the premises where alcoholic beverages will be stored and sold.

(3) (i) The entrances and exits of the outdoor area of the premises must include an emergency exit that opens outward that is approved by the fire marshal and the Board.

(ii) If the emergency exit required in subparagraph (i) of this paragraph consists of a latched gate or door, the gate or door must have a functioning panic bar.

(4) The Board shall approve the height, size, construction, and security of a fence or privacy shield surrounding the outdoor space of the premises on a case–by–case basis, based on the following factors:

(i) the architectural structure of the fence or privacy shield;

(ii) the neighborhood within which the premises is situated;

(iii) the aesthetic appearance of the fence or privacy shield; and

(iv) the security of the premises.

(5) With approval from the Board, the premises may include an outdoor serving bar if it also includes outdoor bar seating arrangements.

(6) (i) With approval from the Board, music, live entertainment, or the viewing of televised sporting events may be permitted in the outdoor area of the premises.

(ii) In determining whether to approve music, live entertainment, or the viewing of televised sporting events, the Board shall consider the demographic location of the premises with regard to noise violations or maintaining the peace and quiet of the neighborhood.

(f) A permit holder may sell or serve alcoholic beverages in the sidewalk cafe/patio every day of the week from noon to midnight.

(g) (1) Notwithstanding § 31–1903(a) of this title, a permit holder shall require at least one employee who has completed a certified alcohol awareness program to be on the licensed premises at all times when alcohol is being served.

(2) No alcohol may be served and all alcohol must be secured when there is no employee who has completed a certified alcohol awareness program on the licensed premises.

(h) The annual permit fee is $500.

§31–1201.

(a) There is a local caterer's license.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to the holder of a Class B restaurant or hotel (on–sale and off–sale) beer, wine, and liquor license.

(2) Before the Board issues or renews the license, the county health department shall approve the food preparation facilities for a catered event.

(c) The license authorizes a holder to:

(1) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B restaurant or hotel (on–sale and off–sale) beer, wine, and liquor license is issued; and

(2) exercise the privileges of the license only during the hours and on the days authorized for the holder's Class B restaurant or hotel (on–sale and off–sale) beer, wine, and liquor license.

(d) The license holder shall:

(1) prepare, deliver, and provide food for consumption at the catered event;

(2) provide the service employees to serve the beer, wine, and liquor at the catered event; and

(3) ensure that at least one service employee is certified by an alcohol awareness program under § 4–505 of this article and is on the premises at all times during the catered event.

(e) The annual license fee is $1,500.

(f) This section does not require a holder of a Class B restaurant or hotel (on–sale and off–sale) beer, wine, and liquor license to obtain a local caterer's license for catering on the premises for which the Class B license is issued.

§31–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1206 ("License to dispose of stock");

(3) § 4–1207 ("Temporary move of licensed premises");

(4) § 4–1208 ("Hours and days of sale"); and

(5) § 4–1209 ("Wine permit for fund–raising event").

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

(1) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

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

(3) § 4–1205 ("License fees"), which is superseded by § 31–1314 of this subtitle.

§31–1302.

§31–1303.

§31–1304.

(a) There is a Cumberland and Shenandoah Valley Wine Festival (C&SVWF) license.

(b) The Board may issue the license to a nonprofit Williamsport club that is chartered by an international service organization headquartered in the United States.

(c) The license authorizes holders of a Class 3 winery license or a Class 4 limited winery license to display and sell wine that is manufactured and processed in the State at retail for on– and off–premises consumption.

(d) The Board:

(1) may choose 1 weekend each year for the festival in June, July, or August that does not conflict with the dates of the Maryland Wine Festival in Carroll County; and

(2) shall choose a location that is not already licensed.

(e) The Board shall set the license fee.

(f) The Board shall adopt regulations to carry out this section.

§31–1305.

(a) In this section, "Festival" means the Washington County Wine Festival.

(b) There is a Washington County Wine Festival (WF) license.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.

(d) The license authorizes the holder to display and sell wine that is distributed in the State.

(e) A license holder shall display and sell wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the Festival.

(f) The Board:

(1) each year may choose 2 weekends for the Festival;

(2) shall choose locations that are not already licensed; and

(3) shall ensure that the primary focus of the Festival is the promotion of Maryland wine.

(g) The license holder may hold another license of a different class or nature.

(h) The license fee is $20.

(i) The Board shall adopt regulations to carry out this section.

§31–1306.

(a) There is a Class C (on–sale) beer and wine street festival license.

(b) The Board may issue the license to a nonprofit club, society, association, or organization.

(c) (1) The license authorizes the holder to exercise any of the privileges conferred by the Class C (on–sale) beer and wine street festival license at an entertainment event that is:

(i) held in the Arts and Entertainment District in Hagerstown; and

(ii) approved by the Mayor of Hagerstown and the Hagerstown City Council.

(2) During the event for which the license is issued, an individual, within the approved event area and with a designated container unique to the event, may:

(i) purchase beer or wine from the license holder, or purchase beer or wine from, and consume on the premises of, any other license holder with on–sale privileges within the Arts and Entertainment District;

(ii) transport the beer or wine in the designated container to the premises of another license holder with on–sale privileges in the Arts and Entertainment District and within the approved event area; and

(iii) consume the beer or wine within the Arts and Entertainment District event area as approved by the Mayor and City Council, including the premises of any license holder with on–sale privileges.

(d) (1) An applicant for the license shall submit an application under oath on the form that the Board provides.

(2) Subtitles 14 and 15 of this title and § 3–102 of the General Provisions Article do not apply to an applicant for the license.

(e) (1) The license holder:

(i) at the event for which the license is issued, shall distribute a wristband to each individual who is at least 21 years old; and

(ii) may not serve beer or wine to an individual who does not wear a wristband.

(2) A person who violates this subsection is subject to:

(i) for a first offense, a fine of $250; and

(ii) for a second offense, a fine not exceeding $1,000 and denial of further requests for a Class C (on–sale) beer and wine street festival license.

(f) The license holder may hold another license of a different class or nature.

(g) The license may be used for a maximum of 26 days in a calendar year.

(h) The license fee is $30 per day.

§31–1307.

(a) There is a beer tasting (BT) license.

(b) The Board may issue the license to a holder of any class of beer, wine, and liquor license.

(c) The license authorizes the holder to allow the on–premises consumption of multiple varieties of beer from a single brand owner for tasting if the consumer is not charged.

(d) A license holder may serve not more than 2 ounces of a single offering to a single consumer.

(e) The license holder shall notify the Board in writing at least 10 days before a beer tasting event.

(f) (1) A maximum of four bottles of beer may be open at any one time at a beer tasting event.

(2) After a bottle is opened:

(i) the contents of the bottle may not be mixed with that of any other bottle; and

(ii) the bottle shall be destroyed when empty.

(g) (1) The license may be used for a maximum of:

(i) 12 days in a licensing year for a 12–tasting license; and

(ii) 24 days in a licensing year for a 24–tasting license.

(2) A beer tasting may not last longer than 4 hours.

(h) The annual license fees are:

(1) $100 for a 12–tasting license; and

(2) $200 for a 24–tasting license.

§31–1308.

(a) There is a wine tasting (WTL) license.

(b) The Board may issue the license to a holder of any class of beer, wine, and liquor license.

(c) The license authorizes the holder to allow:

(1) the on–premises consumption of wine for tasting; and

(2) a wholesaler or supplier to present various wines from a single brand owner.

(d) The license holder shall notify the Board in writing at least 10 days before a tasting event.

(e) A license holder may not serve more than 2 ounces of a single wine to a single customer.

(f) A license holder may not charge for the wine tasting.

(g) The license may be used for a maximum of:

(1) 12 days in a licensing year for a 12–tasting license; and

(2) 24 days in a licensing year for a 24–tasting license.

(h) A single tasting event may not exceed 4 hours.

(i) (1) A maximum of four bottles may be open at any time at a wine tasting event.

(2) After a bottle of wine is opened for a tasting event:

(i) the contents of the bottle may not be mixed with that of any other bottle; and

(ii) the bottle shall be destroyed when empty.

(j) The annual license fees are:

(1) $200 for a 12–tasting license; and

(2) $400 for a 24–tasting license.

§31–1309.

(a) There is a liquor tasting license (LTL).

(b) The Board may issue the license to a holder of any class of beer, wine, and liquor license.

(c) The license authorizes the holder to allow:

(1) the on–premises consumption of liquor for tasting; and

(2) a wholesaler or supplier to present various liquors from a single brand owner.

(d) The license holder shall notify the Board in writing at least 10 days before a tasting event.

(e) A license holder may not serve more than 1 ounce of a single liquor to a single individual.

(f) (1) A maximum of four bottles may be open at any one time at a liquor tasting event.

(2) After a bottle of liquor is opened for a tasting event:

(i) the contents of the bottle may not be mixed with that of any other bottle; and

(ii) the bottle shall be destroyed when empty.

(g) A license holder may not charge for the liquor tasting.

(h) The license may be used for a maximum of:

(1) 12 days in a licensing year for a 12–tasting license; and

(2) 24 days in a licensing year for a 24–tasting license.

(i) A single tasting event may not exceed 4 hours.

(j) The annual license fees are:

(1) $300 for a 12–tasting license; and

(2) $500 for a 24–tasting license.

§31–1312.

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

(b) The Board may issue the license to:

(1) a club that has an annual on–sale beer, wine, and liquor license for use at a place other than the license holder's regular place of business; or

(2) a corporation, a society, an organization, an association, or any other entity that does not have an annual on–sale beer, wine, and liquor license and has:

(i) nonprofit status; or

(ii) a federal identification number assigned by the Internal Revenue Service.

(c) The license authorizes the license holder to sell or serve beer, wine, and liquor for on–premises consumption at the place described in the license during an event that requires an admission fee, a ticket, or a donation.

(d) (1) Subject to paragraph (3) of this subsection, the Board may issue multiple Class C per diem beer, wine, and liquor licenses to a single applicant.

(2) A separate Class C per diem beer, wine, and liquor license is required for each day of a multiple day event.

(3) The Board may not issue the Class C per diem beer, wine, and liquor license for more than 7 consecutive days.

(e) (1) An applicant for the license shall:

(i) submit an application on the form that the Board provides; and

(ii) provide proof that the applicant has:

1. nonprofit status; or

2. a federal identification number assigned by the Internal Revenue Service.

(2) (i) A license shall be applied for and issued to three individuals affiliated with the applicant, each of whom:

1. appears in person to present proper qualifications at the time the application is filed;

2. is at least 21 years old; and

3. is a registered voter in the county and a citizen of the United States.

(ii) At least one of the individuals shall be a resident of the county at the time the application is filed.

(f) The license holder:

(1) at the event for which the license is issued, shall distribute a wristband to each individual who is at least 21 years old; and

(2) may not serve beer, wine, or liquor to an individual who does not wear a wristband.

(g) At all times during the event, the license holder shall ensure that:

(1) one certified crowd control manager who has obtained a crowd control training certificate from a program that is certified by the Board is on the licensed premises for every 250 individuals present; and

(2) one individual who has completed a certified alcohol awareness program is on the licensed premises.

(h) (1) Alcoholic beverages sold under the license shall be purchased by the license holder from a licensed wholesaler or retail dealer.

(2) A licensed wholesaler may not donate alcoholic beverages to the license holder.

(i) Within 30 days after an event, the license holder shall submit to the Board a signed and notarized financial statement showing:

(1) the total amount of proceeds from the event; and

(2) the disbursement of the proceeds.

(j) A license holder may sell or serve beer, wine, and liquor:

(1) on Monday through Saturday, from 10 a.m. to 2 a.m. the following day; or

(2) on Sunday, from noon to midnight.

§31–1314.

The fee for a Class C per diem beer, wine, and liquor license is $100 per day.

§31–1401.

(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) § 4–111 ("Payment of license fees");

(9) § 4–112 ("Disposition of license fees");

(10) § 4–113 ("Refund of license fees"); and

(11) § 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 §§ 31–1403 through 31–1408 of this subtitle; and

(2) § 4–110 ("Required information on application — Petition of support"), subject to § 31–1402 of this subtitle.

§31–1402.

With the license application, the applicant shall submit a petition of support that:

(1) is signed by at least three residents who are owners of real property and registered voters in the county; and

(2) declares that the applicant:

(i) is personally known to them; and

(ii) is a resident of the county at the time the applicant presents them with the application.

§31–1403.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

§31–1404.

The Board may set and charge a fee to cover the cost of obtaining the applicant's fingerprints and the results of the State and national criminal history records check.

§31–1405.

The Board shall keep all criminal history record information in a sealed envelope available only to members, inspectors, administrators, and designees of the Board.

§31–1406.

The Board shall destroy the criminal history record information on completion of the application process.

§31–1407.

The hearing for a new applicant and the issuance of a license may not be delayed due to the failure of the Federal Bureau of Investigation to provide the requested criminal history records check by the date of the scheduled hearing.

§31–1408.

The Board shall adopt regulations to preserve the confidentiality of the information under and to carry out this subtitle.

§31–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–205 ("Chain store, supermarket, or discount house");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–209 ("Hearing");

(5) § 4–210 ("Approval or denial of license application");

(6) § 4–211 ("License forms; effective date; expiration");

(7) § 4–212 ("License not property");

(8) § 4–213 ("Replacement licenses"); and

(9) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–202 ("Authority of local licensing boards"), subject to § 31–1502 of this subtitle;

(2) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to § 31–1503 of this subtitle and Subtitle 13, Part III of this title;

(3) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to § 31–1503 of this subtitle and Subtitle 13, Part III of this title; and

(4) § 4–208 ("Notice of license application required"), subject to § 31–1504 of this subtitle.

§31–1502.

The Board may not issue a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license to a person that holds an out–of–state alcoholic beverages license.

§31–1503.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§31–1504.

(a) In addition to the newspaper notice required under § 4–208 of this article, the Board shall post a suitable notice in a conspicuous place on the location described in the application for at least 10 days before the application hearing.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

§31–1601.

(a) In this section, "population ratio quota" means one license for every 3,000 individuals residing in the election district where the license will be issued:

(1) as determined by the last federal population census; but

(2) excluding individuals detained or confined in a correctional facility as defined in § 1–101 of the Correctional Services Article.

(b) Except as provided in subsections (c) and (d) of this section, the Board may not issue a Class A off–sale license, a Class B on– and off–sale license, or a Class D on– and off–sale license in an election district if the number of licenses exceeds the population ratio quota.

(c) The Board may:

(1) issue a Class A off–sale license, a Class B on– and off–sale license, or a Class D on– and off–sale license if the Board:

(i) determines that there is a public need and desire, including government–sanctioned economic revitalization; and

(ii) states in the order issuing the license the reasons for its decision to exceed the population ratio quota; or

(2) renew the license or approve the transfer of a license for the same premises.

(d) The Board may issue an on–sale license to a restaurant that:

(1) is located in a permanent building;

(2) regularly sells and serves food to the public;

(3) has a seating capacity of at least 50 persons; and

(4) has annual gross sales of food and nonalcoholic beverages that exceed its annual gross sales of alcoholic beverages.

§31–1602.

(a) Except as provided in subsection (b) of this section, the Board may not issue a license:

(1) until all outstanding gaming proceeds, payments, and fines that are unpaid by the license holder or applicant have been paid or judicially satisfied; or

(2) for any location that previously was licensed under this title, until all county taxes that are unpaid by the license holder for the operation of the business under the previous license have been paid or judicially satisfied.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) a temporary license; or

(2) a certificate of permission or renewal license issued to a personal representative under § 4–803 of this article.

§31–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house");

(2) § 4–304 ("Compliance with Bulk Transfers Act required"); and

(3) § 4–306 ("Substitution of names of officers on license").

(b) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory"), subject to § 31–1702 of this subtitle; and

(2) § 4–305 ("Filing fee and endorsement"), subject to § 31–1703 of this subtitle.

§31–1702.

The Board may not allow the transfer of a license unless the Board is presented with an affidavit that certifies that all real and personal property taxes that are due to the county by the transferor are paid.

§31–1703.

On the transfer of a license, the Board shall impose a fee of:

(1) $400 each time the license is transferred; and

(2) $100 each time the transfer is advertised.

§31–1704.

An applicant for a transfer of a license is subject to a State and national criminal history records check under § 4–107 of this article.

§31–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–406 ("Protests");

(4) § 4–407 ("Denial of renewal application");

(5) § 4–409 ("Multiple licenses"); and

(6) § 4–410 ("Chain store, supermarket, or discount house").

(b) Section 4–404 ("Filing period for renewal application") of Division I of this article does not apply in the county and is superseded by § 31–1802 of this subtitle.

(c) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county:

(1) § 4–405 ("Contents of renewal application"), subject to §§ 31–1803 and 31–1803.1 of this subtitle; and

(2) § 4–408 ("Issuance of renewed licenses"), subject to § 31–1803.2 of this subtitle.

§31–1802.

(a) A renewal application shall be available at the beginning of March of the licensing cycle.

(b) An application and the required documents to renew an annual license shall be filed between April 1 and June 15, inclusive.

(c) A license holder that files a completed application for license renewal between June 16 and June 30, inclusive, is subject to a penalty of $50 for each day of violation.

§31–1803.

The Board may not renew a license until the license holder, by June 15:

(1) pays all undisputed taxes that are due under the license to the Comptroller, the municipality, and the county;

(2) certifies by affidavit to the Board that no county taxes are due; and

(3) submits to the Board a certificate of good standing from the Comptroller.

§31–1803.1.

To be approved, a license renewal application shall:

(1) contain all required signatures that have been notarized; and

(2) be accompanied by:

(i) a trader's license;

(ii) a sales and use license; and

(iii) for a Class B restaurant:

1. a health department permit; and

2. a statement of the average monthly sales of food and alcoholic beverages for the licensed premises during the previous license term.

§31–1803.2.

(a) The Board may issue renewed licenses for the following license year between June 15 and July 1, inclusive.

(b) All renewed licenses shall be dated July 1.

§31–1804.

Notwithstanding § 31–1502 of this title, the Board may renew a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license originally issued to a holder of an out–of–state alcoholic beverages license.

§31–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 31–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 31–1903 of this subtitle.

§31–1902.

A license holder may employ an individual who is:

(1) at least 18 years old to sell, serve, deliver, or otherwise deal with alcoholic beverages; or

(2) at least 16 years old to perform any task other than to sell, serve, or deliver alcoholic beverages.

§31–1903.

(a) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(i) be certified by an approved alcohol awareness program; and

(ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or a suspension or revocation of the license or both.

§31–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§31–2002.

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

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

(2) on Sunday, from 11 a.m. to midnight, if a fee is paid.

(b) (1) A holder of a Class B beer (on– and off–sale) license may sell beer:

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

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) The license holder may sell beer on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

(c) (1) A holder of a Class B beer (on–sale only) license may sell beer:

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

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if issued a Sunday license.

(2) The license holder may sell beer on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

(d) A holder of a picnic license may sell beer on Sunday from noon to midnight.

(e) (1) A holder of a Class C beer (on–sale) license may sell beer:

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

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) The license holder may sell beer on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

(f) (1) A holder of a Class D beer (on–sale) license may sell beer:

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

(ii) except as provided in paragraph (2) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) When a federal holiday falls on a Monday, the license holder may sell beer on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

§31–2003.

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

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

(2) on Sunday, from 11 a.m. to midnight, if a fee is paid.

(b) (1) A holder of a Class B beer and wine (on– and off–sale) license may sell beer and wine:

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

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) The license holder may sell beer and wine on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer and wine on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

(c) (1) A holder of a Class B beer and wine (on–sale only) pouring license may sell beer and wine:

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

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) The license holder may sell beer and wine on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer and wine on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

(d) (1) A holder of a Class C beer and wine license may sell beer and wine:

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

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday from noon to midnight, if a fee is paid.

(2) The license holder may sell beer and wine on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer and wine on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

(e) (1) A holder of a Class D beer and wine (on–sale) license may sell beer and wine:

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

(ii) except as provided in paragraph (2) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) When a federal holiday falls on a Monday, the license holder may sell beer and wine on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

§31–2004.

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

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

(2) on Sunday, from 11 a.m. to midnight, if a fee is paid.

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

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

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) The license holder may sell beer, wine, and liquor on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer, wine, and liquor on the Sunday immediately preceding the Monday holiday, from noon to 2 a.m. the following day.

(c) (1) A holder of a Class B beer, wine, and liquor (on–sale only) license may sell beer, wine, and liquor:

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

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) The license holder may sell beer, wine, and liquor on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer, wine, and liquor on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

(d) (1) A holder of a Class C beer, wine, and liquor (on–sale) license may sell beer, wine, and liquor:

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

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight.

(2) The license holder may sell beer, wine, and liquor on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer, wine, and liquor on the Sunday immediately preceding the Monday holiday, from noon to 2 a.m. the following day.

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

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

(ii) except as provided in paragraph (2) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) When a federal holiday falls on a Monday, the license holder may exercise the privileges conferred by the license on the Sunday immediately preceding the Monday holiday, from noon to 2 a.m. the following day.

§31–2005.

A license holder may purchase a per diem on–sale license for $50 for use when New Year's Eve falls on a Sunday.

§31–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–603 ("Revocation and suspension procedures");

(3) § 4–604 ("Grounds for revocation or suspension"); and

(4) § 4–606 ("Effects of revocation").

(b) Section 4–605 ("Nudity and sexual displays") of Division I of this article applies in the county, subject to § 31–2102 of this subtitle.

§31–2102.

Section 4–605 of this article does not apply to:

(1) the Washington County Playhouse; and

(2) a theater holding a Class B beer, wine, and liquor (on–sale) license.

§31–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§31–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

§31–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§31–2501.

(a) From 1 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§31–2601.

Title 6, Subtitle 2 ("Enforcement") of Division I of this article applies in the county without exception or variation.

§31–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 (“Proof of age for sale of alcoholic beverages”);

(2) § 6–306 (“Defense to prosecution for sale to underage individual”);

(3) § 6–308 (“Allowing on–premises consumption of alcoholic beverages not purchased from license holder”);

(4) § 6–309 (“Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years”);

(5) § 6–310 (“Providing free food”);

(6) § 6–311 (“Restrictions on purchases and sales by retail dealer”);

(7) § 6–312 (“Beverage misrepresentation”);

(8) § 6–313 (“Tampering with alcoholic beverage container”);

(9) § 6–314 (“Sale of alcoholic beverage container with detachable metal tab”);

(10) § 6–315 (“Alcoholic beverage in container without regular label presumed illicit”);

(11) § 6–316 (“Maximum alcohol content”);

(12) § 6–317 (“Multiple serving purchase required”);

(13) § 6–319 (“On–premises consumption of alcoholic beverages not purchased from license holder”);

(14) § 6–320 (“Disorderly intoxication”);

(15) § 6–321 (“Consumption of alcoholic beverages in public”);

(16) § 6–323 (“Possession or use of Alcohol Without Liquid machine”);

(17) § 6–326 (“Sale of alcoholic beverages in powder or crystalline form prohibited”);

(18) § 6–327 (“Unlicensed out–of–state sale of alcoholic beverages”);

(19) § 6–328 (“Tax evasion”);

(20) § 6–329 ("Destruction of evidence"); and

(21) § 6–330 ("Perjury").

(b) Section 6–322 ("Possession of open container") of Division I of this article does not apply in the county.

(c) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 31–2702 of this subtitle; and

(2) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 31–2703 of this subtitle.

§31–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years.

(c) (1) A violation for which a penalty is imposed under paragraph (2) of this subsection is a misdemeanor.

(2) (i) If an employee of a license holder violates § 6–304 of this article, the employee is subject to:

1. except as provided in subparagraph (ii) of this paragraph, for a first offense, a fine of $100;

2. except as provided in subparagraph (ii) of this paragraph, for a second offense, a fine of $250; and

3. for each subsequent offense, a term of imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

(ii) If an employee does not pay within 30 days a fine imposed under subparagraph (i)1 or 2 of this paragraph, the employee is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

(3) If a license holder violates § 6–304 of this article, the Board may impose a fine not exceeding $2,500, suspend or revoke the license, or impose both a fine and suspend or revoke the license.

(d) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

(e) The Board may not proceed administratively against an employee of a license holder for a violation of § 6–304 of this article until after the employee is granted probation before judgment or found guilty of the violation.

§31–2703.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–307 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§31–2704.

(a) In this section, "knowingly" means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

§31–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§31–2802.

(a) The Board may impose a fine not exceeding $2,500 or suspend a license or both on a license holder who violates this article.

(b) In deciding whether to fine a license holder or suspend the license, the Board shall consider whether:

(1) the public welfare and morals would be impaired by allowing the license holder to operate during the suspension period; and

(2) the payment of the fine will achieve the desired disciplinary purposes.

(c) Fines collected under this section shall be paid to the Board.

§31–2803.

The Board shall expunge the record of a violation of this article or a regulation adopted under this article 5 years after the date the violation occurred.

§32–101.

(a) In this title:

(1) 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 Wicomico County.

(c) "County" means Wicomico County.

§32–102.

This title applies only in Wicomico County.

§32–103.

A copy of any legislation concerning alcoholic beverages enacted by the county governing body under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§32–201.

(a) There is a Board of License Commissioners for Wicomico County.

(b) The Board is a State unit that administers this title and may issue, deny, revoke, or suspend licenses.

§32–202.

(a) The Governor shall appoint five members to the Board, subject to the advice and consent of the Senate.

(b) (1) Subject to paragraph (2) of this subsection, each member of the Board shall be:

(i) a resident and voter of the county;

(ii) an individual of high character and integrity and of recognized business capacity; and

(iii) nominated by the County Executive.

(2) Three members of the Board shall be residents of the City of Salisbury, nominated jointly by the County Executive and the Mayor of Salisbury.

(c) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2020.

(d) (1) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(2) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

§32–203.

The Governor shall designate a chair from among the members of the Board.

§32–204.

(a) (1) The chair of the Board shall receive $5,000 annually.

(2) Each other member of the Board shall receive $4,000 annually.

(b) Subject to this section and § 32–205 of this subtitle, the Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

(c) (1) The Board may designate an attorney for the Board.

(2) The annual salary of the attorney:

(i) is $10,000; and

(ii) shall be provided in the county budget.

§32–205.

(a) (1) The Board shall appoint a full–time inspector and a part–time inspector.

(2) The salaries of the inspectors shall be as provided in the county budget.

(b) The inspectors have the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article.

(c) The Board shall specify the duties of the inspectors, which shall be for the proper administration and enforcement of the alcoholic beverages laws in the county.

(d) The inspectors shall take the oath required by Article I, § 9 of the Maryland Constitution.

(e) (1) The inspectors shall separately provide a penalty bond of $2,000 to the Board and the county jointly on the condition that the inspector and part–time inspector faithfully perform the duties of office.

(2) The county shall pay the cost of the bonds.

§32–206.

The County Council shall pay the salaries and expenses of the Board.

§32–207.

(a) The Board shall coordinate the enforcement of all alcoholic beverages licensing laws for the county.

(b) The Board may adopt regulations to carry out this article.

§32–301.

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

(b) "Dispensary" means a store established and maintained by the Liquor Control Board for the sale of alcoholic beverages.

(c) "Liquor Control Board" means the Liquor Control Board for the county.

§32–302.

There is a Liquor Control Board for Wicomico County.

§32–303.

(a) The Governor shall appoint three members to the Liquor Control Board with the advice and consent of the Senate.

(b) Each member of the Liquor Control Board shall be:

(1) a resident and voter in the county; and

(2) an individual of high character, integrity, and recognized business capacity.

(c) (1) A member of the Liquor Control Board may not:

(i) have a direct or indirect financial interest in the manufacture or sale of alcoholic beverages; or

(ii) derive profit or remuneration from the sale of alcoholic beverages other than the salary or wages payable for the discharge of the duties of the office.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $2,000 or both.

(d) The term of a member is 2 years and begins on July 1.

(e) If a vacancy occurs, it shall be filled for the unexpired term in the same manner as the original appointment.

§32–304.

The Liquor Control Board shall elect a chair from among its members.

§32–305.

(a) The Liquor Control Board shall meet as often as necessary for the public business.

(b) (1) The chair of the Liquor Control Board shall receive an annual salary of $6,000.

(2) The other members of the Liquor Control Board shall receive an annual salary of $5,000.

(c) (1) The Liquor Control Board shall appoint employees necessary to operate the dispensary system, set employee compensation, and require a bond for the faithful performance of employee duties.

(2) (i) An employee of the Liquor Control Board may not:

1. have a direct or indirect financial interest in the manufacture or sale of alcoholic beverages; or

2. derive profit or remuneration from the sale of alcoholic beverages other than the salary or wages payable for the discharge of the duties of the office.

(ii) A person who violates this paragraph is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $2,000 or both.

§32–307.

(a) (1) The county may lend money to the Liquor Control Board to provide the Liquor Control Board with adequate working capital to acquire, establish, and operate the dispensary system and warehouse facilities.

(2) The county may finance a loan under this subsection by issuing notes, certificates of indebtedness, or bonds as the county finds necessary.

(3) (i) The Liquor Control Board may borrow money from a banking institution on the Liquor Control Board's own credit.

(ii) The aggregate sum advanced to or borrowed by the Liquor Control Board may not exceed $500,000.

(b) (1) Money shall bear interest at the lowest rate possible, not exceeding 6% a year that, under this subtitle is:

(i) loaned to the Liquor Control Board by the county;

(ii) borrowed by the county; or

(iii) borrowed by the Liquor Control Board.

(2) Money loaned or borrowed, and the interest on it, shall be repaid from the receipts from sales made at the dispensaries.

§32–308.

Subject to § 1–319 of this article, the Liquor Control Board may:

(1) purchase from a holder of a wholesaler's license or manufacturer's license alcoholic beverages that the Liquor Control Board is authorized to sell and on which the excise tax imposed by § 5–102 of the Tax – General Article is paid;

(2) (i) purchase from a holder of a resident or nonresident dealer's permit and import for resale alcoholic beverages that the Liquor Control Board is authorized to sell; and

(ii) resell the alcoholic beverages once the excise tax is paid;

(3) sell alcoholic beverages in sealed containers at prices that it determines and that are uniform in all dispensaries;

(4) refuse to sell alcoholic beverages to a person that, in the judgment of the Liquor Control Board, is not suitable to purchase or consume the alcoholic beverages;

(5) restrict by any method the quantity of alcoholic beverages that may be sold to an individual consumer or license holder at or during any time;

(6) enter into a contract or adopt regulations necessary or desirable to carry out this article;

(7) sell and ship outside the county a container or package of alcoholic beverages kept for sale in a dispensary, if not prohibited by law in the place where the shipment is consigned;

(8) subject to the approval of the county, rent, lease, or purchase premises necessary for the operation of the dispensaries; and

(9) establish the hours of sale for dispensaries, outside of which a dispensary may not remain open.

§32–309.

(a) The Liquor Control Board may establish and maintain stores known as "dispensaries".

(b) A dispensary:

(1) may sell sparkling or fortified wine or other alcoholic beverages containing more than 14% alcohol by volume; and

(2) shall sell the alcoholic beverages in sealed packages or containers.

(c) A dispensary may sell chilled and nonchilled beer, wine, liquor, ice, or bottled water.

(d) (1) Except as provided in paragraph (2) of this subsection, all alcoholic beverages other than beer and wine shall be purchased from the Liquor Control Board.

(2) A holder of a Class A, B, C, or D license may purchase alcoholic beverages from a dispensary or a wholesaler.

(e) A dispensary shall sell liquor at wholesale to a beer, wine, and liquor license holder:

(1) for a Class A, B, or C license, at a markup not exceeding 15% above the operating cost to the dispensary; or

(2) for a Class D license, at a markup not exceeding 15% above the wholesale cost to the dispensary.

(f) (1) The Liquor Control Board may hold wine tasting and sampling promotional events in dispensaries in accordance with this subsection.

(2) The Liquor Control Board:

(i) may not serve to an individual more than 1 ounce from each brand at an event;

(ii) may not allow more than six wine bottles to be open at any one time at an event;

(iii) may not conduct events in the county on more than 10 days in any 12–month period;

(iv) shall mark each wine bottle used for an event, once opened, that it is to be used only for tasting or sampling;

(v) may not mix the contents of a wine bottle with the contents of another wine bottle;

(vi) shall destroy all empty wine bottles;

(vii) shall allow on–premises consumption at an event; and

(viii) may not conduct wine tasting and sampling using a drive–through window.

(g) A person may not open or consume the contents of a sealed container or package on the premises of the dispensary where sold.

(h) Title 4, Subtitle 2 of this article does not apply to this section.

§32–310.

(a) The Liquor Control Board shall apply proceeds derived from the operation of dispensaries first toward the repayment of money loaned to or borrowed by the Liquor Control Board.

(b) After repayment under subsection (a) of this section, the Liquor Control Board, subject to the approval of the County Council, may create and maintain a reserve fund to:

(1) provide adequate working capital; and

(2) cover any losses sustained by the Liquor Control Board in operating the dispensaries.

(c) The Liquor Control Board shall pay any remaining net proceeds to the county on January 1, April 1, August 1, and October 1 of each year.

§32–311.

(a) (1) The Liquor Control Board shall:

(i) keep accurate records of:

1. all purchases of alcoholic beverages; and

2. a complete statement of the business conducted by the Liquor Control Board and the operational achievements of the dispensary system; and

(ii) submit annual and monthly reports to the County Council.

(2) The records shall be open to inspection by the Comptroller or the Executive Director during regular business hours.

(b) The Liquor Control Board shall publish an annual report submitted to the county on June 30 of each year in a newspaper of frequent and general circulation that is published in the county.

§32–312.

(a) A supplier may enter into an agreement with a wholesaler or authorized representative of a wholesaler to replace, directly or indirectly, stale or out–of–date malt beverage products on retail licensed premises:

(1) on a case for case basis;

(2) at the supplier's expense; and

(3) under a plan that the Executive Director approves.

(b) (1) If a wholesaler refuses to replace stale or out–of–date malt beverage products on retail licensed premises under the plan described in subsection (a)(3) of this section, the supplier may unilaterally submit a replacement plan to the Executive Director for approval.

(2) The replacement plan that the supplier unilaterally submits to the Executive Director may include the designation of an authorized representative or wholesaler outside the territory of the wholesaler who refuses to participate in the plan.

§32–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–210 ("Class 8 farm brewery license");

(9) § 2–211 ("Residency requirement");

(10) § 2–212 ("Additional licenses");

(11) § 2–213 ("Additional fees");

(12) § 2–214 ("Sale or delivery restricted");

(13) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(14) § 2–216 ("Interaction between manufacturing entities and retailers");

(15) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(16) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county:

(1) § 2–208 ("Class 6 pub–brewery license"), subject to § 32–403 of this subtitle; and

(2) § 2–209 ("Class 7 micro–brewery license"), subject to § 32–404 of this subtitle.

§32–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§32–403.

(a) This section applies to a Class 6 pub–brewery license in the county.

(b) Before the Executive Director may issue a Class 6 pub–brewery license in the county, the Executive Director shall forward a copy of the application to the Board.

(c) The Board shall:

(1) review the application;

(2) hold a public hearing on the application; and

(3) recommend to the Executive Director whether or not to issue the license.

§32–404.

A holder of a Class 7 micro–brewery license may not collectively brew, bottle, or contract for more than 45,000 barrels of malt beverages each calendar year.

§32–405.

(a) The Executive Director may issue one Class 6 pub–brewery license or one Class 7 micro–brewery license, but not both, for a location in an enterprise zone, to a person that holds not more than five Class B beer, wine, and liquor licenses.

(b) A holder of a Class A license may also hold a Class 7 micro–brewery license and not more than five Class B beer, wine, and liquor licenses.

§32–501.

The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–301 ("Licenses issued by Comptroller");

(2) § 2–302 ("Class 1 beer, wine, and liquor wholesaler's license");

(3) § 2–303 ("Class 2 wine and liquor wholesaler's license");

(4) § 2–304 ("Class 3 beer and wine wholesaler's license");

(5) § 2–305 ("Class 4 beer wholesaler's license");

(6) § 2–306 ("Class 5 wine wholesaler's license");

(7) § 2–307 ("Class 6 limited wine wholesaler's license");

(8) § 2–308 ("Class 7 limited beer wholesaler's license");

(9) § 2–309 ("Sale and delivery of beer or wine from wholesaler's vehicle");

(10) § 2–310 ("Sale and delivery to retail license holder");

(11) § 2–311 ("Additional wholesaler's licenses");

(12) § 2–312 ("Direct importation of alcoholic beverages");

(13) § 2–313 ("Sale or delivery restricted to holder of license or permit");

(14) § 2–314 ("Beer sale on credit to retail dealer prohibited");

(15) § 2–315 ("Interaction between wholesaling entities and retailers");

(16) § 2–316 ("Distribution of alcoholic beverages — Prohibited practices"); and

(17) § 2–317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

§32–502.

Except as provided in § 32–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§32–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§32–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) A license may not be issued for a premises having a direct or indirect connection with a drug or pharmaceutical business or other business establishment of a type commonly known as a drugstore.

(3) The license holder shall sell the beer in a sealed package or container.

(4) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fees are:

(1) $175 for a 6–day license; and

(2) $275 for a 7–day license.

§32–602.

(a) There is a Class B beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for on– and off–premises consumption.

(2) (i) A license may be issued only for a hotel or restaurant whose average daily receipts from the sale of food for each month exceed the average daily receipts from the sale of alcoholic beverages.

(ii) In calculating average daily receipts from the sale of food, an allocation of foodstuff contained in a mixed drink may not be included in average daily receipts from the sale of food.

(c) The annual license fee is $275.

§32–603.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) The annual license fee is $75.

§32–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fee is $275.

§32–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail at the place described in the license wine produced at the winery.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $50.

§32–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§32–802.

(a) There is:

(1) a Class A beer and wine 6–day license; and

(2) a Class A beer and wine 7–day license.

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) A person may not hold the license for use by an establishment with a direct or indirect connection with a drugstore.

(d) The annual license fees are:

(1) $275 for a 6–day license; and

(2) $350 for a 7–day license.

§32–803.

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

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, the license may be issued for use by a hotel or restaurant if, for each month, the average daily receipts from the sale of food exceed the average daily receipts from the sale of alcoholic beverages.

(ii) Foodstuff in a mixed drink may not be considered as food when calculating average daily receipts from the sale of food.

(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 $400.

§32–804.

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

(b) The license authorizes the license holder to sell beer and wine to a member of a club and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is $125.

§32–805.

(a) There is:

(1) a Class D beer and wine 6–day license; and

(2) a Class D beer and wine 7–day license.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fees are:

(1) $275 for a 6–day license; and

(2) $400 for a 7–day license.

§32–901.

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

(b) (1) A license may be issued only to an establishment that has been:

(i) issued a Class B license; and

(ii) continually operating as a restaurant in the county since at least 3 months before the application for the license.

(2) The Board may not issue a license to an establishment that is a corporation or limited liability company unless the license applicant owns 75% of the total issued capital stock of the corporation or the limited liability company.

(3) The Board may issue not more than three licenses in the county.

(c) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor, at retail at the place described in the application, for off–premises consumption.

(2) The place described in the application:

(i) may not exceed 20% of the area normally used in the operation of the restaurant business; and

(ii) shall be contiguous to and adjoin the restaurant establishment.

(d) The license may not be issued for a drugstore unless the applicant:

(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;

(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or

(3) has been engaged in the retail drug business for at least 3 years.

(e) (1) The license holder shall purchase liquor for retail sale from a county dispensary or from a wholesaler.

(2) A dispensary may not charge the license holder more than 15% above the wholesale operating cost to the dispensary.

(f) The annual license fee is $4,400 and is in addition to the fee paid for the Class B license.

§32–902.

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

(b) (1) The Board may issue the license for use by:

(i) a hotel that has:

1. at least 25 rooms;

2. a lobby with registration, mail desk, and seating facilities; and

3. a dining room that serves full–course meals at least twice daily; or

(ii) a restaurant that:

1. has a proper and adequate dining room with facilities for preparing and serving regular meals;

2. not counting seating at a bar or counter, has table seating for at least 40 individuals; and

3. has average daily receipts from the sale of food, not counting foodstuff contained in a mixed drink, that each month exceed the average daily receipts from the sale of alcoholic beverages.

(2) The seating requirement in paragraph (1)(ii)2 of this subsection does not apply to a Class B beer, wine, and liquor license holder who held the license on July 1, 1978.

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

(d) (1) In this subsection, "lounge area" means an area that includes:

(i) a bar where alcoholic beverages are served; and

(ii) an entertainment facility in the same area as the bar.

(2) The license holder may:

(i) prohibit an individual under the legal drinking age from entering the lounge area after 9 p.m. unless the individual is accompanied by a parent or legal guardian who is of the legal drinking age; and

(ii) charge an entertainment fee for each individual who is present while live entertainment is in progress in the lounge area.

(e) (1) Notwithstanding § 32–306 of this title, the license holder may purchase liquor for retail sale from a county dispensary or from a licensed wholesaler.

(2) A county dispensary may not charge the license holder more than 15% above the wholesale operating cost to the county dispensary.

(f) The annual license fees are:

(1) $1,980 for a hotel; and

(2) $1,320 for a restaurant.

(g) (1) The Board may issue a wine permit to a holder of the license for use by a restaurant that:

(i) at least 5 days per week, offers for sale and describes in a printed menu:

1. breakfast and lunch;

2. breakfast and dinner; or

3. lunch and dinner; and

(ii) has an area used for the preparation and consumption of food and beverages that is at least 80% of the area of the premises.

(2) Off–sale alcoholic beverages receipts shall be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 32–901(c)(2)(i)3 of this subtitle.

(3) The wine permit authorizes the license holder to sell, at retail, at the place described in the license:

(i) beer, wine, and liquor for on–premises consumption; and

(ii) wine for off–premises consumption.

(4) The term of the wine permit is the same as the term of the Class B license.

(5) If the premises is open for business as a restaurant, the hours and days of sale for the wine permit are:

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

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

(6) Wine sold under the wine permit may not have an alcohol content greater than 15.5%.

(7) An applicant for the wine permit shall complete the form that the Board provides.

(8) Advertising, posting of notice, and public hearing requirements for the wine permit are the same as those for Class B licenses.

(9) The Board may adopt regulations to carry out this subsection, including a limit on the number of wine permits to be granted.

(10) The annual permit fee is $1,500.

(h) The holder of a Class B beer, wine, and liquor restaurant license that has been issued a Class 9 limited distillery license may sell products manufactured under the distillery license at the place described in the Class B license in a manner consistent with the underlying Class B license for on– and off–premises consumption.

(i) (1) The Board may issue a temporary to–go event permit under § 32–1104 of this title to a holder of a license under this section if the licensed establishment is located within or immediately adjacent to a special event area identified in a Class C per diem municipal to–go beer, wine, and liquor license issued under § 32–1314 of this title.

(2) The temporary to–go event permit authorizes the holder to sell at retail beer, wine, and liquor in approved to–go cups that may be carried outside the licensed establishment and into the designated special event area.

§32–903.

(a) There is:

(1) a 6–day Class C beer, wine, and liquor license; and

(2) a 7–day Class C beer, wine, and liquor license.

(b) The Board may issue the license for use by a nonprofit fraternal, social, or veterans' club that:

(1) has been incorporated for at least 5 years immediately before the application for the license is made;

(2) is in a clubhouse or premises that is used principally for club purposes;

(3) during the year immediately before the filing of the application:

(i) except as provided in item (ii) of this item, has at least 100 dues–paying members; or

(ii) if the club is composed only of members who served in the armed forces of the United States, has at least 50 dues–paying members; and

(4) has facilities for preparing and serving food on the premises to members and guests.

(c) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license for on–premises consumption.

(d) A license holder shall purchase alcoholic beverages for retail sale, except beer and wine, from the Liquor Control Board or from a wholesaler.

(e) (1) The annual license fees for a 6–day license, depending on the size of the dues–paying membership of the club, are:

(i) $275, for a membership of 50 to 399;

(ii) $550, for a membership of 400 to 599; and

(iii) $825, for a membership of at least 600.

(2) The annual license fees for a 7–day license, depending on the size of the dues–paying membership of the club, are:

(i) $400, for a membership of 50 to 399;

(ii) $675, for a membership of 400 to 599; and

(iii) $950, for a membership of at least 600.

(3) A license fee shall be established on the maximum number of dues–paying members during the calendar year immediately before the filing of the application for the license.

§32–904.

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

(b) The Board may issue the license for use by a tavern that, not including the dance floor or bar area, has seating for at least 140 individuals.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption 7 days a week.

(d) An individual under the legal drinking age may not enter the licensed premises.

(e) The license may not be issued for use by a drugstore.

(f) The annual license fee is $2,200.

§32–1001.

(a) There is a Class B–BB (bed and breakfast) beer and wine license.

(b) The Board may issue the license to a license holder who is approved by the appropriate local governmental unit to operate a bed and breakfast that:

(1) provides services ordinarily provided by a bed and breakfast;

(2) has at least one room but not more than 10 rooms, each with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time; and

(3) has a kitchen facility that has been approved by the appropriate local governmental unit.

(c) The license authorizes the license holder to sell beer and wine to a guest if:

(1) the name and address of the guest appears on the registry that the bed and breakfast maintains; and

(2) the guest is an occupant of a sleeping room in the bed and breakfast.

(d) (1) The license authorizes the license holder to sell beer and wine for on–premises consumption to a guest of a catered event at the bed and breakfast if:

(i) 1. the license holder is under contract to cater the event;

2. the license holder caters the event; and

3. food is served at the catered event; or

(ii) the license holder hosts an event for which tickets are sold in advance.

(2) The license authorizes the license holder to allow a guest of the bed and breakfast, whose name and address appear on the registry of the establishment, to bring personal alcoholic beverages onto the premises for on–premises consumption during the hours and days as set out under subsection (e) of this section.

(e) The license holder may sell beer and wine for on–premises consumption on Monday through Sunday, from 7 a.m. to midnight.

(f) Except during catered events that meet the requirements under subsection (d) of this section or ticketed events hosted by the license holder, the license does not authorize the sale of beer and wine to an individual who:

(1) is not a guest of the bed and breakfast; or

(2) is registered as a guest at the bed and breakfast only to obtain beer and wine.

(g) (1) A bed and breakfast may not be operated only to sell or provide beer and wine.

(2) If the bed and breakfast ends operations as a bed and breakfast:

(i) the license is void; and

(ii) the license holder shall return the license to the Board.

(h) This section may not be construed to apply to a permanent resident on the premises or to guests of the permanent resident.

(i) The license holder shall:

(1) maintain records of all catered events where alcoholic beverages are served; and

(2) make the records required under item (1) of this subsection available on request to the Board, the Executive Director, or the Comptroller.

(j) The annual license fee is $300.

§32–1001.1.

(a) There is a Class B–BF (banquet facility) beer, wine, and liquor license.

(b) The Board may issue the license for use by a banquet facility that:

(1) accommodates the public for banquets, parties, meetings, and similar functions;

(2) contains a dining room with adequate facilities for serving full–course meals for at least 100 individuals who are inside the facility or outside on the premises at one seating; and

(3) has adequate public bathroom facilities.

(c) The license authorizes the license holder to sell at retail beer, wine, and liquor for on–premises consumption if:

(1) the beer and wine are sold by the drink or by the bottle;

(2) the liquor is sold only by the drink;

(3) the beer, wine, and liquor are sold only during the function;

(4) the license holder does not sell beer, wine, and liquor for off–premises consumption;

(5) the license holder does not allow beer, wine, and liquor to be carried off the premises; and

(6) food is provided at the function where the beer, wine, and liquor are provided.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 32–2004 of this title.

(e) The annual license fee is $1,500.

§32–1001.2.

(a) There is a Class B–Conference Center license.

(b) The Board may issue a license for use by a conference center that has:

(1) a minimum capacity of 500 individuals;

(2) a kitchen;

(3) dining space; and

(4) meeting space.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption to individuals attending a conference center event.

(d) An existing Class B license may be amended to one for conference center use.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 32–2005 of this title.

(f) The annual license fee is $1,500.

§32–1001.3.

(a) There is a Class B–DT (dinner theater) beer, wine, and liquor license.

(b) The Board may issue the license for the use of a dinner theater that:

(1) provides live music, entertainment, Broadway–style musicals, comedy, dance performances, or drama to the dinner theater's customers;

(2) is open to the public by reservation only; and

(3) contains a dining room with facilities for serving full–course meals for at least 80 individuals at one seating.

(c) (1) The license authorizes the license holder to sell at retail for on–premises consumption:

(i) beer and wine by the drink or bottle; and

(ii) liquor by the drink.

(2) A license holder may not sell alcoholic beverages:

(i) for off–premises consumption; or

(ii) at any time except in conjunction with the dinner theater.

(d) A license holder may sell beer, wine, and liquor beginning 2 hours before a live performance until the end of the performance and during the hours and days as set out under § 32–2004 of this title.

(e) Food shall be available at a function where beer, wine, and liquor are served.

(f) The annual license fee is $1,500.

§32–1002.

(a) There is a Class D beer, wine, and liquor entertainment and amusement license.

(b) (1) The Board may issue the license for an entertainment amusement center that:

(i) is a business establishment that accommodates the public;

(ii) has a minimum seating capacity of 140 individuals, not including the bar area or dancing floor area;

(iii) meets the minimum requirements of the fire code applicable for the jurisdiction in which the premises is located;

(iv) is equipped with an adequate dining room with facilities for preparing and serving regular meals;

(v) has an initial capital investment of at least $300,000, excluding the cost of the land and building; and

(vi) subject to paragraph (2) of this subsection, has more than 50% of its floor space dedicated to or occupied by equipment for foosball, billiards, darts, virtual reality simulation games, and other games that the Board approves that require the active physical participation of one or more players.

(2) Under paragraph (1)(vi) of this subsection:

(i) floor space may not be dedicated to or occupied by equipment for keno, a card game, a pinball machine, or a bar game; and

(ii) the floor space requirement may not be met by floor space occupied by:

1. a jukebox or similar passive entertainment device; or

2. the kitchen.

(c) The license authorizes the license holder to sell beer, wine, and liquor 7 days a week for on–premises consumption.

(d) An individual who is:

(1) under the age of 21 years may not enter or remain on the licensed premises after 9 p.m.; and

(2) under the age of 17 years may not enter the licensed premises without a parent or guardian.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class D beer, wine, and liquor license under § 32–2005 of this title.

(f) The annual license fee is $4,000.

§32–1003.

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

(b) The Board of License Commissioners may issue the license for the use of a golf course or organization that:

(1) is open to the public;

(2) is operated for profit;

(3) owns real estate in the county; and

(4) has a golf course with a minimum of 18 holes.

(c) (1) The license holder may sell beer, wine, and liquor for consumption on the land and in the buildings, including the clubhouse, used for golfing purposes.

(2) A patron need not be seated to be served.

(d) A holder of the license may sell beer, wine, and liquor:

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

(2) on Sunday, from 10 a.m. to midnight.

(e) The annual license fee is $2,200.

§32–1004.

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

(b) (1) The Board may issue the license:

(i) to the owner of a professional baseball team franchise, regardless of whether the franchise is a partnership or corporation; and

(ii) subject to paragraph (2) of this subsection, only for a stadium that has the average daily receipts from the sale of food for each month exceed the average daily receipts from the sale of alcoholic beverages.

(2) An allocation of foodstuff contained in a mixed drink may not be included in average daily receipts from the sale of food.

(c) The license authorizes the license holder to sell beer and wine:

(1) for on–premises consumption;

(2) in plastic, Styrofoam, paper, or aluminum containers on the stadium premises, except that glass containers may be used in an enclosed dining premises in which the patrons are seated; and

(3) to an individual present at any event held at the stadium.

(d) The license holder may not allow an individual to carry alcoholic beverages onto or from the licensed premises.

(e) (1) Subject to paragraph (2) of this subsection, the license holder may sell beer and wine:

(i) on Monday through Saturday, from noon to 9 p.m.; and

(ii) on Sunday, from 1 p.m. to 5 p.m.

(2) During a baseball game, a holder of a stadium beer and wine license may not sell beer or wine:

(i) after the beginning of the eighth inning; or

(ii) during a doubleheader, after the beginning of the sixth inning of the second game.

(f) The annual license fee is $2,000.

§32–1005.

(a) There is a Class B Youth and Civic Center license.

(b) (1) The Board may issue a license to a designee of the County Executive for use at the Wicomico Youth and Civic Center.

(2) During the term of the license, the Wicomico Youth and Civic Center shall maintain:

(i) a kitchen;

(ii) dining space; and

(iii) meeting space.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption to individuals attending a youth and civic center event.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 32–2005 of this title.

(e) The license holder may:

(1) authorize a vendor to sell alcoholic beverages for on–premises consumption under the license that the manager of the youth and civic center is issued; and

(2) contract to receive part of the revenue derived from the vendor's sale of alcoholic beverages.

(f) The annual license fee is $1,500.

§32–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 32–1102 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 32–1103 of this subtitle.

§32–1102.

(a) The Board may issue a refillable container permit for draft beer to a holder of any license issued by the Board except a Class C license, Class D license, Class B–Conference Center license, and Class B–Stadium license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) Receipts collected under the permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under a Class B restaurant license, Class B hotel license, and Class B golf course license.

(e) The annual permit fee is $500.

§32–1103.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of any license issued by the Board except a Class C license, Class D license, Class B–Conference Center license, and Class B–Stadium license.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) Receipts collected under the permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under a Class B restaurant license, Class B hotel license, and Class B golf course license.

(e) (1) Except as provided in paragraph (2) of this subsection, the annual permit fee is $500.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

§32–1104.

(a) There is a temporary to–go event permit.

(b) The Board may issue the permit to a holder of a Class B beer, wine, and liquor license if the licensed establishment is located within or immediately adjacent to a special event area identified in and for use in conjunction with a Class C per diem municipal to–go beer, wine, and liquor license.

(c) The permit authorizes the holder to sell at retail beer, wine, and liquor in approved to–go cups that may be carried outside the licensed establishment of the Class B license and into the designated special event area.

(d) The permit holder shall be responsible for complying with all applicable laws and regulations.

(e) The term of the permit is the same as the term of the associated Class C per diem municipal to–go beer, wine, and liquor license.

(f) The Board shall adopt regulations related to the issuance of and requirements for the permit, including regulations related to:

(1) the designation of a special event area;

(2) the hours of sale;

(3) age verification requirements;

(4) the use of specified to–go cups; and

(5) advertising, posting of notice, and public hearing requirements for the temporary to–go event permit.

(g) The fee for the permit is $20 per day.

§32–1201.

(a) There is a local caterer's license.

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

(1) a Class B restaurant or hotel (on–sale) beer and wine license; or

(2) a Class B restaurant or hotel (on–sale) beer, wine, and liquor license.

(c) The license authorizes a holder to:

(1) (i) provide beer and wine at an event that is held off the premises for which the holder's Class B restaurant or hotel (on–sale) beer and wine license is issued; or

(ii) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B restaurant or hotel (on–sale) beer, wine, and liquor license is issued; and

(2) exercise the privileges of the license only during the hours and on the days authorized for the holder's Class B license.

(d) The license holder shall provide food for consumption at the catered event.

(e) The annual license fee is $550.

(f) This section does not require a holder of a Class B restaurant or hotel (on–sale) beer and wine license or a Class B restaurant or hotel (on–sale) beer, wine, and liquor license to obtain a local caterer's license under this section for catering on the premises for which the Class B license is issued.

§32–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(3) § 4–1204 ("Class C per diem beer, wine, and liquor license");

(4) § 4–1206 ("License to dispose of stock");

(5) § 4–1207 ("Temporary move of licensed premises");

(6) § 4–1208 ("Hours and days of sale"); and

(7) § 4–1209 ("Wine permit for fund–raising event").

(b) Section 4–1205 ("License fees") of Division I of this article does not apply in the county and is superseded by § 32–1311 of this subtitle.

§32–1304.

(a) There is a beer festival license.

(b) (1) The Board may issue the license to a holder of a Class 5 brewery license, Class 6 pub–brewery license, Class 7 micro–brewery license, or Class 8 farm brewery license.

(2) Each manufacturer that participates in the beer festival shall obtain a beer festival license.

(c) The license authorizes the holder to display and sell beer owned and manufactured by the license holder.

(d) A license holder shall display and sell beer:

(1) at retail for on–premises consumption; and

(2) during the hours and days designated for the festival.

(e) (1) The Board may designate the number of times during a calendar year that the license may be issued.

(2) The festival shall be held at a location that is not already licensed.

(f) The license may be in effect for not more than 3 consecutive days.

(g) The license holder may hold another license of a different class or nature.

(h) The license fee is $50 per day.

§32–1305.

(a) In this section, "Festival" means the Wicomico County Wine Festival.

(b) There is a Wicomico County Wine Festival (WCWF) license.

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.

(d) The license authorizes the holder to display and sell wine that is:

(1) manufactured and processed in any state; and

(2) distributed in the State when the license application is filed.

(e) The license holder shall display and sell wine:

(1) at retail for on– and off–premises consumption; and

(2) during the hours and days designated for the Festival.

(f) The Board shall:

(1) choose one weekend, Friday through Sunday inclusive, each year for the Festival;

(2) choose a location that is not already licensed; and

(3) ensure that the primary focus of the Festival is the promotion of Maryland wine.

(g) The license holder may hold another license of a different class or nature.

(h) Wine displayed and sold shall be:

(1) invoiced to the license holder by a wholesaler, Class 3 winery, or Class 4 limited winery; and

(2) delivered to the Festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the holder of a WCWF license to:

(1) deliver wine 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.

(j) The license fee is $50 per day.

(k) The Board shall adopt regulations to carry out this section.

§32–1306.

(a) There is a beer tasting (BT) license.

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

(c) The license authorizes the holder to allow on–premises consumption of beer.

(d) (1) An applicant for the license shall submit to the Board an application on a form that the Board provides.

(2) The Board may issue a license without a hearing.

(3) If a license application is denied, the applicant may request a public hearing before the Board.

(4) Renewal of the license may be made when the Class A beer and wine license or Class A beer, wine, and liquor license is renewed.

(e) A license holder shall notify the Board in writing at least 5 days before a beer tasting event.

(f) The license holder may serve an individual a quantity of not more than 3 ounces of beer from each offering for tasting.

(g) (1) A maximum of six containers of beer may be open at one time at a beer tasting event.

(2) Once opened, each container shall be marked that it is to be used for the beer tasting only.

(3) Once empty, all containers shall be destroyed.

(h) The days during which a beer tasting event is held may not exceed 50 in any period for which a license is in effect.

(i) The annual license fee is $150.

(j) (1) The contents of a container may not be mixed with any other container.

(2) Beer tasting may not be conducted from a drive–through window.

§32–1307.

(a) There is a wine tasting (WT) license.

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

(c) The license authorizes the holder to allow the on–premises consumption of wine.

(d) (1) An applicant for the license shall submit to the Board an application on a form that the Board provides.

(2) The Board may issue the license without a hearing.

(3) If a license application is denied, the applicant may request a public hearing before the Board.

(4) Renewal of the license may be made when the Class A beer and wine license or Class A beer, wine, and liquor license is renewed.

(e) A license holder shall notify the Board in writing at least 5 days before a wine tasting event.

(f) The license holder may serve an individual a quantity of not more than 1 ounce of wine from each offering for tasting.

(g) (1) A maximum of six bottles of wine may be open at one time at a wine tasting event.

(2) Once opened, each bottle shall be marked that it is to be used for the wine tasting event only.

(3) Once empty, each bottle shall be destroyed.

(h) The days during which a wine tasting event is held may not exceed 50 in any period for which a license is in effect.

(i) The annual license fee is $150.

(j) (1) The contents of a bottle may not be mixed with that of any other bottle.

(2) Wine tasting may not be conducted from a drive–through window.

§32–1308.

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

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

(c) The license authorizes the holder to allow the on–premises consumption of beer or wine.

(d) (1) An applicant for the license shall submit to the Board an application on a form that the Board provides.

(2) The Board may issue the license without a hearing.

(3) If a license application is denied, the applicant may request a public hearing before the Board.

(4) Renewal of the license may be made when the Class A beer and wine license or Class A beer, wine, and liquor license is renewed.

(e) A license holder shall notify the Board in writing at least 5 days before a beer and wine tasting event.

(f) The license holder may serve an individual, for tasting, a quantity of not more than:

(1) 1 ounce of wine from each offering; or

(2) 3 ounces of beer from each offering.

(g) (1) A maximum of six bottles of wine and six containers of beer may be open at one time at a beer and wine tasting event.

(2) Once opened, each bottle or container shall be marked that it is to be used for the beer and wine tasting event only.

(3) Once empty, each bottle and container shall be destroyed.

(h) The days during which beer and wine tasting events are held may not exceed 50 in any period for which the license is in effect.

(i) The annual license fee is $250.

(j) (1) The contents of a bottle or container may not be mixed with that of any other bottle or container.

(2) Beer and wine tasting may not be conducted from a drive–through window.

§32–1311.

(a) The fee for a Class C per diem beer license and a Class C per diem beer and wine license is $30 per day.

(b) The fee for a Class C per diem beer, wine, and liquor license is $45 per day.

§32–1312.

(a) The Board may issue a Class C multiple event beer license, beer and wine license, or beer, wine, and liquor license.

(b) The license entitles the license holder to exercise any privilege conferred by the license at an entertainment event held by a fire department.

(c) (1) The license application shall be in the form that the Board provides.

(2) The applicant shall sign the form.

(d) A license holder:

(1) may use only one multiple event license in a license year; and

(2) may not use the license for more than 40 days in a calendar year.

(e) The license holder shall notify the Board in writing at least 7 days before each day that the license is to be used.

(f) A fire department is not prevented from obtaining a Class C per diem license under § 4–1202 of this article.

(g) The annual fee for a license is:

(1) $400 for not more than 10 days;

(2) $800 for at least 11 but not more than 20 days;

(3) $1,000 for at least 21 but not more than 30 days; and

(4) $1,100 for at least 31 but not more than 40 days.

§32–1313.

(a) There is a basket of cheer permit.

(b) The Board may issue the permit to a nonprofit organization, as defined by § 501(c) of the Internal Revenue Code, that meets the requirements of this section.

(c) The permit authorizes the permit holder to provide as a prize at a benefit performance a basket of cheer, consisting of:

(1) for a holder of a Class C per diem beer and wine license, not more than:

(i) 288 ounces of beer; and

(ii) 2.25 liters of wine; and

(2) for a holder of a Class C per diem beer, wine, and liquor license, not more than:

(i) 288 ounces of beer;

(ii) 2.25 liters of wine; and

(iii) 2.25 liters of liquor.

(d) The alcoholic beverages contained in a basket of cheer shall be for off–premises consumption.

(e) The permit fees are:

(1) $30 per event for the holder of a Class C per diem beer and wine license; and

(2) $45 per event for the holder of a Class C per diem beer, wine, and liquor license.

§32–1314.

(a) There is a Class C per diem municipal to–go beer, wine, and liquor license.

(b) The license entitles the license holder to allow beer, wine, and liquor sold by a holder of a temporary to–go event permit under § 32–1104 of this title to enter a designated special event area described in the license for a period not exceeding 7 consecutive days.

(c) The Board may issue the license to a municipality in the county.

(d) The Board shall adopt regulations related to the issuance of and requirements for a license under this section, including regulations related to:

(1) the designation of a special event area;

(2) the hours of sale;

(3) age verification requirements;

(4) the use of specified to–go cups;

(5) advertising, posting of notice, and public hearing requirements for the license and any associated temporary to–go event permit; and

(6) public safety and event security requirements.

(e) The fee for the license is $45 per day.

§32–1401.

(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) § 4–105 ("Application on behalf of limited liability company");

(3) § 4–106 ("Payment of notice expenses");

(4) § 4–108 ("Application form required by Comptroller");

(5) § 4–110 ("Required information on application — Petition of support");

(6) § 4–111 ("Payment of license fees");

(7) § 4–112 ("Disposition of license fees");

(8) § 4–113 ("Refund of license fees"); and

(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) § 4–103 ("Application on behalf of partnership"), subject to § 32–1403 of this subtitle;

(2) § 4–104 ("Application on behalf of corporation or club"), in addition to § 32–1406 of this subtitle;

(3) § 4–107 ("Criminal history records check"), subject to § 32–1402 of this subtitle; and

(4) § 4–109 ("Required information on application — In general"), in addition to § 32–1404 of this subtitle.

§32–1402.

The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.

§32–1403.

(a) If a corporation, partnership, or limited liability company is a partner of a partnership applying for a license, the application shall state:

(1) the name of each owner of more than 33% of the stock in the corporate partner;

(2) the name of each owner of more than 33% of ownership interest of the partnership partner; or

(3) the name of each member with more than a 33% interest in the limited liability company partner.

(b) (1) An application for a stadium beer and wine license for a partnership shall be made by and the license issued to three individuals who:

(i) shall be authorized in writing to apply for and hold the license on behalf of the partnership; but

(ii) are not required to be partners.

(2) One of the three individuals who applies for a license shall be a resident and registered voter of the county at the time the application is filed.

(3) The name of each partner shall be stated on the application.

§32–1404.

An applicant shall include a statement in the application that:

(1) the applicant consents to an investigation by the Board of the applicant's criminal record; and

(2) (i) the applicant is at least 21 years old; or

(ii) if there is more than one applicant, at least one of the applicants is at least 21 years old.

§32–1405.

(a) Except as provided in subsection (b) of this section, the Board may not issue a license to a corporation or limited liability company unless the individual qualifying under this article:

(1) is a registered voter, taxpayer, and resident of the county at the time of submission of the application; and

(2) owns at least 20% of the total issued capital stock of the corporation or 20% of the total interests of the limited liability company.

(b) This section does not affect a license that has already been issued.

§32–1406.

If three officers of a club acting as individuals apply for a Class C club license, the applicants are not required to file a statement indicating a financial interest in the business to be conducted under the license.

§32–1407.

(a) In addition to any other fee required for a license, an application fee of $75 shall be charged for an application for a new license, made payable to the county collecting agent.

(b) The application fee is nonrefundable whether the license is issued or denied.

(c) The application fee does not apply to the renewal or transfer of a license for the same premises.

§32–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–202 ("Authority of local licensing boards");

(2) § 4–206 ("Limitations on retail sales floor space");

(3) § 4–207 ("Licenses issued to minors");

(4) § 4–209 ("Hearing");

(5) § 4–211 ("License forms; effective date; expiration");

(6) § 4–213 ("Replacement licenses"); and

(7) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to §§ 32–1502 and 32–1506 of this subtitle and Subtitle 13, Part III of this title;

(2) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to §§ 32–1502 and 32–1506 of this subtitle and Subtitle 13, Part III of this title;

(3) § 4–205 ("Chain store, supermarket, or discount house"), subject to § 32–1503 of this subtitle;

(4) § 4–208 ("Notice of license application required"), subject to § 32–1507 of this subtitle;

(5) § 4–210 ("Approval or denial of license application"), subject to § 32–1508 of this subtitle; and

(6) § 4–212 ("License not property"), subject to § 32–1509 of this subtitle.

§32–1502.

The prohibitions against one person being issued more than one license under § 4–203 of this article do not apply to:

(1) a Class 6 pub–brewery license issued under § 2–208 of this article or a Class 7 micro–brewery license issued under § 2–209 of this article; or

(2) a Class B beer, wine, and liquor license issued under § 32–902 of this article if:

(i) the resident applicant is a resident of the county at the time of application; and

(ii) the minimum capital investment in the premises is at least $200,000 or the premises have a fair market value of at least $200,000.

§32–1503.

Section 4–205 of this article does not apply to a license issued under:

(1) § 2–208 or § 2–209 (regarding pub–brewery and micro–brewery licenses) of this article; or

(2) § 32–902 (regarding Class B beer, wine, and liquor licenses) of this title if:

(i) the resident applicant is a resident of the county at the time of application; and

(ii) the minimum capital investment in the premises is at least $200,000 or the premises have a fair market value of at least $200,000.

§32–1504.

For purposes of this subtitle, a married couple is considered to be one person.

§32–1505.

(a) The Board may give tentative approval to issuing a license for an establishment that is not completed or that is to be remodeled or renovated, based on the building plans and specifications that accompany the application.

(b) The Board may give final approval of a license application under this section on completion of the construction, remodeling, or renovation in accordance with the plans and specifications.

§32–1506.

Multiple licenses may be issued for the same premises or to an individual for the use of that individual, a partnership, a corporation, an unincorporated association, or a limited liability company if:

(1) the licenses are Class D beer or Class D beer and wine licenses; and

(2) each premises is a bowling establishment that has at least 30 lanes with automatic pinsetters.

§32–1507.

(a) In addition to the newspaper notice required under § 4–208 of this article, the Board shall post a suitable notice in a conspicuous place at the location described in an application for at least 10 days before the application hearing.

(b) A notice under this section shall state the class of license for which the application is made and the date, time, and location set by the Board for an application hearing.

§32–1508.

(a) The Board shall make a physical inspection of the location described in the application before issuing a license.

(b) Before the Board issues a license, the Board shall consider and determine as suitable:

(1) the moral character and financial responsibility of the applicant;

(2) the appropriateness of the location described in the application, taking into consideration the number of existing licenses; and

(3) the general fitness of the applicant to engage in the business authorized by the license.

§32–1509.

A license is not subject to:

(1) a writ of execution by a judgment creditor of a license holder; or

(2) a distraint for rent.

§32–1601.

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment that is within 500 feet of a place of worship or a public or private elementary or secondary school.

(2) The distance from the establishment to the place of worship or the public or private elementary or secondary school is to be the distance that an individual could walk directly from the main entrance of the establishment to the main entrance of the place of worship or school.

(b) (1) A person may apply for a license within 6 months following the termination of a license at an existing location that falls within the restriction imposed by subsection (a) of this section.

(2) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(i) a temporary license; or

(ii) the Downtown Plaza of Salisbury that:

1. is within the area starting from the intersection of Camden Avenue and Carroll Street, eastward along Carroll Street to U.S. Route 13, then northward to U.S. Route 50, then westward to Mill Street, and then southward to the point of origin; but

2. does not include businesses located on the opposite sides of the streets listed in item 1 of this item.

§32–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house"); and

(2) § 4–304 ("Compliance with Bulk Transfers Act required").

(b) Section 4–306 ("Substitution of names of officers on license") of Division I of this article does not apply in the county and is superseded by § 32–1704 of this subtitle.

(c) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory"), subject to § 32–1702 of this subtitle; and

(2) § 4–305 ("Filing fee and endorsement"), subject to § 32–1703 of this subtitle.

§32–1702.

The Board may waive the publication notice required under § 4–302(b)(4) of this article for the transfer of a Class C club license if:

(1) the person whose name appears on the license becomes ineligible; and

(2) a new application for the same class of license is properly filed with the Board within 10 days after the person becomes ineligible.

§32–1703.

The fee for a transfer of a license is $75, in addition to the costs of publication, notice, and any hearing fees required.

§32–1704.

(a) (1) Subject to paragraph (2) of this subsection, for a license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

(i) has died;

(ii) has retired; or

(iii) no longer holds an office in the corporation or club.

(2) A substitute officer shall be an individual approved by the Board who meets all the requirements applicable to the original officer.

(b) The license holder shall file an affidavit with the Board that contains:

(1) the substitution of the officer; and

(2) an explanation for the substitution.

(c) On receipt of the affidavit by the Board and payment of a $50 fee to the county treasurer, the Board shall:

(1) amend its records; and

(2) issue a corrected license.

§32–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–404 ("Filing period for renewal application");

(3) § 4–406 ("Protests");

(4) § 4–407 ("Denial of renewal application");

(5) § 4–408 ("Issuance of renewed licenses");

(6) § 4–409 ("Multiple licenses"); and

(7) § 4–410 ("Chain store, supermarket, or discount house").

(b) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county:

(1) § 4–403 ("Renewal application"), subject to § 32–1802 of this subtitle; and

(2) § 4–405 ("Contents of renewal application"), subject to § 32–1803 of this subtitle.

§32–1802.

An applicant for license renewal shall pay a renewal application fee of $50 to the local collecting agent in addition to the license fee.

§32–1803.

The Board may not renew a license until the license holder presents the Board with a certificate of receipt issued by the County Finance Department showing that there are no unpaid taxes on the inventory and personal property of the renewal applicant due to the county or State.

§32–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age");

(4) § 4–507 ("Retail delivery of alcoholic beverages"); and

(5) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 32–1902 of this subtitle; and

(2) § 4–505 ("Alcohol awareness program"), subject to § 32–1903 of this subtitle.

§32–1902.

An individual who is at least 16 years old and has a work permit may be employed at a licensed premises to stock alcoholic beverages or clear tables and bar areas.

§32–1903.

(a) This section does not apply to a holder of a Class C license.

(b) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(i) be certified by an approved alcohol awareness program; and

(ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(c) A license holder who violates this section is subject to:

(1) for a first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or a suspension or revocation of the license or both.

§32–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§32–2002.

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

(1) a 6–day license, on Monday through Saturday, from 6 a.m. to midnight; or

(2) a 7–day license, on Monday through Sunday, from 6 a.m. to midnight.

(b) (1) A holder of a Class B (hotel and restaurant) beer license may sell beer:

(i) for off–premises consumption, from 6 a.m. to midnight; and

(ii) for on–premises consumption:

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

2. on Sunday, from 10 a.m. to midnight, only to customers who are seated at tables on the premises.

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

(c) (1) A holder of a Class C beer license may sell beer on Monday through Saturday, from 6 a.m. to midnight.

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

(d) A holder of a Class D beer license may sell beer from 6 a.m. to midnight.

§32–2003.

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

(1) a 6–day license, on Monday through Saturday, from 6 a.m. to midnight; or

(2) a 7–day license, on Monday through Sunday, from 6 a.m. to midnight.

(b) (1) A holder of a Class B (hotel and restaurant) beer and wine license may sell beer and wine:

(i) for off–premises consumption, from 6 a.m. to midnight; and

(ii) for on–premises consumption:

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

2. on Sunday, from 10 a.m. to midnight, only to customers who are seated at tables on the premises.

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

(c) A holder of a Class C beer and wine (on–sale) license may sell beer and wine on Monday through Saturday, from 6 a.m. to midnight.

(d) (1) A holder of a 6–day Class D beer and wine license may sell beer and wine on Monday through Saturday:

(i) for off–premises consumption, from 6 a.m. to midnight; and

(ii) for on–premises consumption, from 6 a.m. to 2 a.m. the following day.

(2) A holder of a 7–day Class D beer and wine license may sell beer and wine:

(i) for off–premises consumption, on Monday through Sunday, from 6 a.m. to midnight; and

(ii) for on–premises consumption:

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

2. except as provided in paragraph (3) of this subsection, on Sunday, from 12:30 p.m. to midnight for customers who are seated.

(3) A holder of a 7–day Class D beer and wine license issued for a bowling alley may sell beer and wine on Sunday from noon to midnight.

§32–2004.

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to midnight.

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

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

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

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

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

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

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

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

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

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

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

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

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

§32–2005.

The Board shall determine the hour when a license holder shall stop selling alcoholic beverages on the morning of January 1, regardless of the day on which January 1 falls.

§32–2006.

When the hours of sale for consumption on the premises end:

(1) alcoholic beverages may continue to be consumed on the premises for 30 minutes; and

(2) thereafter, each table and bar area shall be cleared of all alcoholic beverages.

§32–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–603 ("Revocation and suspension procedures"); and

(3) § 4–605 ("Nudity and sexual displays").

(b) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county:

(1) § 4–604 ("Grounds for revocation or suspension"), subject to § 32–2102 of this subtitle; and

(2) § 4–606 ("Effects of revocation"), subject to § 32–2103 of this subtitle.

§32–2102.

In addition to the grounds for revocation or suspension in § 4–604 of this article, the Board may revoke or suspend a new or transferred license:

(1) if the license has not been placed in operation after 6 months following its issuance or transfer; or

(2) for a conviction of the license holder for violating State gambling law in or on the licensed premises.

§32–2103.

(a) If a license is revoked because the license holder is convicted of violating this article or the provisions of the Tax – General Article that relate to the alcoholic beverage tax, a license may not be issued to the former license holder within 1 year after the revocation.

(b) A person other than the former license holder may not obtain a license for the same premises until after 6 months following the revocation.

§32–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§32–2202.

The Board may authorize the closing of a licensed premises for not more than 6 months if:

(1) the Board determines that the licensed premises is seasonally operated; and

(2) the license holder submits a written request to the Board at least 30 days before the anticipated date of closing.

§32–2301.

(a) The following sections of Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article apply in the county without exception or variation:

(1) § 4–802 ("Expiration of license on death of license holder");

(2) § 4–804 ("Transfer or reinstatement of license");

(3) § 4–805 ("Rights of protest, revocation, suspension, and restriction"); and

(4) § 4–806 ("Refund").

(b) Section 4–803 ("Certificate of permission or renewal license for continuation of business") of Division I of this article applies in the county, subject to § 32–2302 of this subtitle.

§32–2302.

(a) (1) On the death of a married license holder or a license holder that holds a license for the benefit of a partnership or corporation, on application to the Board, a new license shall be issued to:

(i) the surviving spouse;

(ii) the surviving partners for the benefit of the partnership; or

(iii) the senior surviving officer of the corporation for the benefit of the corporation.

(2) The new license shall be issued:

(i) for the balance of the license year; and

(ii) without further proceedings.

(b) A renewal license may be issued to the following if they are qualified to hold the license:

(1) the surviving spouse;

(2) the surviving partners of a partnership; or

(3) the senior surviving officer of a corporation for the benefit of the corporation.

§32–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§32–2501.

(a) A person may not serve setups, including drinking containers and ice, or serve, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

(1) does not hold a license under this article; and

(2) allows at its location any form of attire or sexual display prohibited under § 4–605 of this article.

(b) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§32–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§32–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–205 ("Peace officers");

(5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(7) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(8) § 6–209 ("Adoption of standards for authorization of consumption"); and

(9) § 6–210 ("State preemption of local disorderly intoxication laws").

(b) Section 6–211 ("Fines and forfeitures") of Division I of this article applies in the county, subject to §§ 32–2612 and 32–2613 of this subtitle.

§32–2602.

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

§32–2603.

(a) A judge in the District Court may issue a search warrant if a police officer or other applicant files a complaint or an affidavit that:

(1) is sworn to by the applicant;

(2) describes with particularity the place or thing to be searched;

(3) describes with particularity the things to be searched for; and

(4) states that the applicant has reason to believe that alcoholic beverages are sold or kept to be sold or otherwise disposed of in violation of law.

(b) A warrant issued under this section shall:

(1) be directed to the sheriff, deputy sheriff, or proper police officer;

(2) include a copy of the affidavit;

(3) require the officer to whom the warrant is directed to search the place or thing described in the warrant, and seize any:

(i) alcoholic beverages found in quantities that suggest that they are being kept for sale;

(ii) means to sell alcoholic beverages, including furniture, implements, and equipment;

(iii) paraphernalia of a barroom or saloon that sells alcoholic beverages; and

(iv) United States Internal Revenue tax receipts for the sale of alcoholic beverages dated during the time of the alleged offense; and

(4) require the officer to report in writing on the search and make an immediate return on the warrant.

(c) An affidavit, a warrant for search, and a report and return shall be substantially in the following form:

State of Maryland, Wicomico County, to wit:

To: ....., of Wicomico County:

Greetings: Whereas, there has been filed with the undersigned an affidavit, of which the following is a copy, to wit: Whereas on this .... day of ...., 20.., before the Subscriber, ... in and for said County, personally appeared ...., and made complaint and oath that the applicant has just and reasonable cause to suspect and believe and does suspect and believe that intoxicating liquor is sold, or except for the purpose of being sold or otherwise disposed of in violation of the law in the .... of .... at, in .... of said County, and that in and upon said premises and at said place and house will be found upon search thereof, the following:

Intoxicating liquors, and the vessels and bottles in which the same are contained, and barroom, and drinking saloon paraphernalia, and the United States Internal Revenue tax receipt for sale of intoxicating liquor at this time effective (and any other facts material):

These Are Therefore, in the name of the State of Maryland, to command you, together with the necessary and proper assistance, to enter into the said .... of the said .... at, in .... in the County aforesaid, and there diligently search for the said intoxicating liquor and means used for the sale of same, or any part thereof as described in the aforegoing affidavit of complaint, and that you bring the same, or any part thereof, found in such search, and the person or persons in whose custody they are found forthwith before me to be disposed of and dealt with according to law; and have you there this warrant.

Given under my hand this .... day of ...., 20...

.....
Judge of the District Court

REPORT AND RETURN

To Hon. ...., Judge of the District Court in Wicomico County.

This Return and Report, made this .... day of ...., 20.., is to certify, That pursuant and in obedience to the commands of the annexed warrant to me directed, I did on the .... day of ...., 20.., enter and search the place, house and premises described in said warrant and found and seized the following, to wit: (here set forth what was found and seized), and do forthwith bring the same, and one .... the person in whose custody the same were found before you.

.....
(Person serving warrant)

§32–2604.

An applicant for a warrant under this subtitle or an agent of the applicant may:

(1) accompany the officer who serves the warrant;

(2) point out and enter the place or thing to be searched; and

(3) assist the officer in searching the place or thing.

§32–2605.

(a) Except as provided in subsection (b) of this section, a warrant may not be issued to search a residence unless:

(1) the residence or part of the residence is used as a store, hotel, restaurant, or boarding house;

(2) the residence is used as a public resort; or

(3) the residence is used to keep, hide, or provide alcoholic beverages to sell or for another use that violates the law.

(b) A judge of the District Court may issue a warrant after determining that the issuance would be proper, based on an examination of:

(1) the applicant for the warrant; or

(2) other evidence.

§32–2606.

If an owner or operator of the establishment or thing from which alcoholic beverages or other items are seized cannot be served under this subtitle, the officer seizing the items shall:

(1) post a copy of the warrant in a conspicuous location at the place searched at or near the thing searched; and

(2) hold the items subject to the order of the court and make return of that action.

§32–2607.

In a prosecution under this title:

(1) it is not necessary to:

(i) describe the place where the alcoholic beverage is sold or handled;

(ii) show knowledge on the part of the principal to convict for the acts of the agent; or

(iii) state the name of any person to whom the alcoholic beverage is sold; but

(2) it is sufficient to state that the violation charged took place in the county.

§32–2608.

In a prosecution under this article, a receipt issued by the United States in the county to a person as a wholesaler or retail dealer in alcoholic beverages or malt liquor is prima facie evidence of the sale of the class of alcoholic beverages or malt liquor authorized to be sold under the receipt:

(1) by the person;

(2) in the county or a place of business of the person where the receipt is posted; and

(3) at the time charged in a suit or prosecution under this article, if the time is within the life of the receipt.

§32–2609.

(a) Alcoholic beverages and items used to sell alcoholic beverages that are seized shall be held subject to the order of the court to be used as evidence in the prosecution of a violation of this article.

(b) Prima facie evidence of the violation of this article includes:

(1) alcoholic beverages and items used to sell alcoholic beverages;

(2) the means or materials to manufacture, transport, or dispose of the alcoholic beverages; and

(3) the paraphernalia of a barroom or saloon.

§32–2610.

(a) (1) After scheduling a hearing to determine the purpose for which the alcoholic beverages are kept, the court shall issue a hearing notice to the officer who carried out the search.

(2) On receipt of the notice, the officer shall post the notice at or near the place or thing where the alcoholic beverages were found.

(b) If no one appears to claim the alcoholic beverages or other seized items at the hearing scheduled in accordance with this section or within 30 days after the hearing, the court shall order that the alcoholic beverages and other items be disposed of.

§32–2611.

(a) If a prosecution under this article results in a conviction and an appeal is not taken:

(1) alcoholic beverages seized in connection with the prosecution shall be ordered to be destroyed; and

(2) other property seized in connection with the prosecution shall continue to be held as the property of the defendant or the owner.

(b) If a prosecution under this article does not result in a conviction, property seized in connection with the prosecution shall be returned to the person from whom it was taken.

(c) (1) Subject to paragraph (2) of this subsection, a person's claim of insufficiency of the description of the alcoholic beverages seized under this subtitle or the place or thing searched provided in the complaint or warrant does not result in the immediate return of the alcoholic beverages to the person.

(2) The person with a claim of insufficiency under paragraph (1) of this subsection is entitled to a hearing on the claim when the case is tried.

(3) A conviction under this subtitle bars an action for:

(i) the recovery of alcoholic beverages or the value of alcoholic beverages; or

(ii) damages alleged to have arisen from seizing alcoholic beverages.

(4) Alcoholic beverages or other items seized under this subtitle may not be taken from the custody of the officer by a writ of replevin or other process while a prosecution under this subtitle is pending.

§32–2612.

One–half of each fine imposed in the county shall be distributed as provided under § 7–507 of the Courts Article.

§32–2613.

(a) (1) The county may use any part of the fines for a violation of this article to hire detectives or undercover agents.

(2) A detective or an undercover agent hired under this section shall be deputized as an officer.

(b) When money is not available from fines, the County Commissioners may appropriate not more than $200 annually from the general fund of the county to enforce this subtitle.

§32–2614.

(a) A place where alcoholic beverages are sold in violation of this article or Title 5 of the Tax – General Article is a public nuisance.

(b) (1) On conviction of the owner or operator of the place, the place may be closed and the public nuisance may be abated until a $2,000 bond is posted, payable to the State.

(2) The bond shall be conditioned on the owner or operator:

(i) not selling alcoholic beverages in violation of this article; and

(ii) paying all fines, costs, and damages assessed against the owner.

(3) If a condition of the bond is violated, the county may bring action against the owner or operator for fines, costs, and damages.

(c) If a jury trial is requested or appeal is taken in a case in which a place is alleged to be a public nuisance, the place shall be closed until the defendant posts a $2,000 bond under the same conditions as those specified under subsection (b) of this section.

(d) A person who owns or operates a public nuisance as described in subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $200 or imprisonment not exceeding 6 months or both.

§32–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(4) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(5) § 6–310 ("Providing free food");

(6) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(7) § 6–312 ("Beverage misrepresentation");

(8) § 6–313 ("Tampering with alcoholic beverage container");

(9) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(10) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(11) § 6–316 ("Maximum alcohol content");

(12) § 6–317 ("Multiple serving purchase required");

(13) § 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder");

(14) § 6–320 ("Disorderly intoxication");

(15) § 6–321 ("Consumption of alcoholic beverages in public");

(16) § 6–323 ("Possession or use of Alcohol Without Liquid machine");

(17) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");

(18) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");

(19) § 6–328 ("Tax evasion");

(20) § 6–329 ("Destruction of evidence"); and

(21) § 6–330 ("Perjury").

(b) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county:

(1) § 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years"), subject to § 32–2702 of this subtitle;

(2) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual"), subject to § 32–2703 of this subtitle; and

(3) § 6–322 ("Possession of open container"), subject to § 32–2704 of this subtitle.

§32–2702.

The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§32–2703.

The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–307 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

§32–2704.

An individual may possess an alcoholic beverage in an open container on private property described under § 6–322(a)(1) of this article only if the individual possesses and presents the written consent of the owner of the property.

§32–2705.

(a) (1) A license holder or an agent or an employee of the license holder may not allow an individual under the age of 21 years to loiter about the premises for which a Class B or Class D beer license is issued.

(2) An individual under the age of 21 years may not loiter or be a nuisance on the premises for which a Class B or Class D beer license is issued.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $200 or both.

§32–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§32–2802.

(a) The Board may suspend a license or impose a fine not exceeding $5,000 or both for a violation that is cause for suspension under the alcoholic beverage laws affecting the county.

(b) Fines collected under this section shall be paid to the director of finance.

§33–101.

(a) In this title:

(1) 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 Worcester County.

(c) "County" means Worcester County.

(d) "Taxpayer" means an individual who:

(1) owns real estate in the county in the individual's own name, individually or jointly with others; and

(2) pays real estate taxes to the county.

§33–102.

This title applies only in Worcester County.

§33–103.

Notwithstanding § 1–203 of this article, a municipality may require a license holder for a place of business in the municipality to pay to the municipality an additional annual license fee not exceeding 20% of the fee payable under this article.

§33–104.

A copy of any legislation concerning alcoholic beverages enacted by the County Commissioners under this title shall be sent to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

§33–201.

There is a Board of License Commissioners for Worcester County.

§33–202.

(a) The Governor shall appoint three members to the Board, subject to the advice and consent of the Senate.

(b) Each member of the Board shall be:

(1) a resident and voter of the county; and

(2) an individual of high character and integrity and of recognized business capacity.

(c) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(d) (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

§33–203.

(a) In addition to the regular members of the Board, the Governor shall appoint a substitute Board member.

(b) (1) The term of the substitute member is 4 years.

(2) The substitute member:

(i) shall serve on the Board in the absence of a quorum of the regular members due to illness or conflict of interest; and

(ii) has all of the powers and duties of a regular member when serving on the Board.

§33–204.

In making the appointments, the Governor shall designate a chair from among the members of the Board.

§33–205.

(a) (1) The chair of the Board shall receive a salary of not less than $2,500 annually, as determined by the County Commissioners.

(2) Each other regular member of the Board shall receive a salary of not less than $2,100 annually, as determined by the County Commissioners.

(3) The substitute member of the Board shall receive compensation that the County Commissioners determine for services when acting on the Board.

(b) Subject to § 33–206 of this subtitle, the Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

§33–206.

(a) (1) The Board may appoint an inspector with the consent of the County Commissioners.

(2) The salary of the inspector shall be as provided in the county budget.

(b) The inspector has the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article.

(c) The Board shall specify the duties of the inspector, including the proper administration and enforcement of the alcoholic beverages laws in the county.

(d) The inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

§33–207.

The Board of County Commissioners shall pay the salaries and expenses of the Board of License Commissioners.

§33–208.

(a) A person may not play on licensed premises music that exceeds the noise level limits established under local law.

(b) The Board may regulate the playing time and noise level of live music, a mechanical music box, or a sound making device on licensed premises if the sound disturbs the peace, tranquility, safety, and health of the surrounding neighborhood.

(c) If the Board finds that a licensed premises is in violation of this section, the Board may:

(1) require the license holder to alter the time that the music is played;

(2) require the license holder to reduce the noise level; or

(3) take any other enforcement action that is authorized under this article.

§33–209.

The Board may adopt regulations to carry out this article.

§33–301.

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

(b) "Department" means the Department of Liquor Control for the county.

(c) "Dispensary" means a store established and maintained by the Department for the sale of alcoholic beverages.

§33–302.

There is a Department of Liquor Control in the county government, which functions as a liquor control board.

§33–303.

(a) The Board of County Commissioners shall appoint the director of the Department.

(b) The director shall serve at the pleasure of the Board of County Commissioners.

(c) (1) The director of the Department may not:

(i) have a direct or indirect financial interest in the manufacture or sale of alcoholic beverages; or

(ii) derive profit or remuneration from the sale of alcoholic beverages other than the salary or wages payable for the discharge of the duties of the office.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $2,000 or both.

§33–304.

(a) The Department shall appoint employees necessary to operate the dispensary system, set employee compensation, and require a bond for the faithful performance of employee duties.

(b) (1) An employee of the Department may not:

(i) have a direct or indirect financial interest in the manufacture or sale of alcoholic beverages; or

(ii) derive profit or remuneration from the sale of alcoholic beverages other than the salary or wages payable for the discharge of the duties of the office.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $2,000 or both.

§33–305.

(a) (1) Subject to § 1–319 of this article, and except as provided in subsection (c) of this section:

(i) the Department has a monopoly on the sale and distribution of wine, liquor, or any other alcoholic beverage containing more than 14% of alcohol by volume in the county; and

(ii) a license holder shall purchase all wine containing more than 14% of alcohol by volume and liquor from the Department.

(2) A license holder may purchase beer and wine containing 14% alcohol by volume or less from a licensed wholesaler.

(b) Except as provided in subsection (c) of this section, a license holder who purchases wine or liquor from the Department may not be charged more than 85% of the retail price or any special sale price or discount price, whichever is lower, set by the Department.

(c) (1) (i) A license holder in the county may elect to purchase wine or liquor from a licensed wholesaler by providing written notice of the license holder's intent to the Department at least 60 days before the date the purchasing activity is to start.

(ii) The notice shall contain:

1. the name of the license holder;

2. the name and address of the licensed premises; and

3. the date that the notice was sent to the Department.

(2) A license holder that meets the requirements of this subsection may purchase wine or liquor from a licensed wholesaler in addition to or instead of the Department.

(3) (i) The Department shall issue a letter of confirmation to a license holder that meets the requirements of this subsection.

(ii) The license holder shall display the letter conspicuously on the licensed premises.

§33–306.

(a) Subject to § 1–319 of this article, the Department may:

(1) purchase from a holder of a wholesaler's license or manufacturer's license alcoholic beverages that the Department is authorized to sell and on which the excise tax imposed by § 5–102 of the Tax – General Article is paid;

(2) (i) purchase from a holder of a resident or nonresident dealer's permit and import for resale alcoholic beverages that the Department is authorized to sell; and

(ii) resell the alcoholic beverages once the excise tax is paid;

(3) sell alcoholic beverages in sealed containers at prices that the Department determines and that are uniform in all dispensaries;

(4) refuse to sell alcoholic beverages to a person that, in the judgment of the Department, is not suitable to purchase or consume the alcoholic beverages;

(5) restrict by any method the quantity of alcoholic beverages that may be sold to an individual consumer or license holder at or during any time;

(6) enter into a contract or adopt regulations necessary or desirable to carry out this article;

(7) sell and ship outside of the county a container or package of alcoholic beverages kept for sale in a dispensary, if not prohibited by law in the place where the shipment is consigned;

(8) subject to the approval of the county, rent, lease, or purchase premises necessary for the operation of the dispensaries; and

(9) subject to § 33–307(d) of this subtitle, establish the hours of sale for dispensaries, outside of which a dispensary may not remain open.

(b) (1) Subject to § 1–319 of this article and the approval of the County Commissioners, the Director of the Department may purchase or otherwise acquire:

(i) real or personal property that the Director considers necessary to operate dispensaries, stores, or warehouses; and

(ii) subject to paragraph (2) of this subsection, wine and liquor from any source for resale.

(2) (i) 1. Acting as a wholesaler, the Department may purchase wine and liquor, on which the excise tax has not been paid, from a licensed wholesaler.

2. The Department may only resell the wine and liquor purchased under this subparagraph to a nondispensary, licensed retailer and only after the excise tax has been paid.

(ii) Acting as a retailer, the Department may purchase wine and liquor, on which the excise tax has been paid, from a licensed wholesaler for retail sale in dispensary stores.

§33–307.

(a) The Department may establish and maintain stores known as "dispensaries".

(b) A dispensary:

(1) may sell any alcoholic beverage except beer; and

(2) shall sell alcoholic beverages in a sealed package or container.

(c) The Department may establish and maintain dispensaries only in:

(1) Berlin;

(2) Ocean City;

(3) Pocomoke City;

(4) Snow Hill;

(5) a rural area approved by the Department and the County Commissioners; and

(6) a housing development that:

(i) has a population of at least 10,000 individuals;

(ii) is overseen by a homeowners association; and

(iii) has a special police force commissioned under Title 3, Subtitle 3 of the Public Safety Article.

(d) The Department may sell or deliver liquor to a retail license holder from 6 a.m. to midnight Monday through Saturday and from 9 a.m. to 5 p.m. on Sunday.

(e) A person may not open or consume the contents of a sealed package or container containing alcoholic beverages on the premises of the dispensary where sold.

(f) Title 4, Subtitle 2 of this article does not apply to this section.

§33–308.

(a) The Department shall apply proceeds derived from the operation of dispensaries first toward the repayment of money that was loaned to or borrowed by the Department.

(b) After repayment under subsection (a) of this section, the Department may create and maintain a reserve fund not exceeding $400,000 to:

(1) provide adequate working capital; and

(2) cover any losses sustained by the Department in operating the dispensaries.

(c) (1) After the distributions under subsections (a) and (b) of this section, the Department shall distribute on or before June 1 annually:

(i) the proceeds generated by dispensaries in rural areas outside of a municipal boundary to the county general fund; and

(ii) of the remaining proceeds:

1. 50% to the County Commissioners; and

2. 50% to the mayors and city councils of Berlin, Ocean City, Pocomoke City, and Snow Hill, and homeowners associations that oversee an area in which a dispensary has been established, in amounts determined under paragraph (2) of this subsection.

(2) (i) The Department shall distribute the proceeds due to municipalities listed in paragraph (1)(ii)2 of this subsection and homeowners associations proportionally according to the net profits on total sales derived from the dispensaries in each municipality or area overseen by a homeowners association.

(ii) If County Commissioners consent for each municipality listed in paragraph (1)(ii)2 of this subsection, to determine the share of a municipality, a dispensary within 2 miles outside of the municipal boundary shall be considered to be within the municipal boundary.

(iii) Distributions paid to a municipality under this subsection shall be used for general municipal purposes.

(iv) Distributions paid to a homeowners association shall be used for the benefit of the special police force of the housing development.

§33–309.

(a) (1) The Department shall keep accurate records of:

(i) all purchases of alcoholic beverages; and

(ii) a complete statement of the business conducted by the Department and the operational achievements of the dispensary system.

(2) The records shall be open to inspection by the Comptroller or the Executive Director during regular business hours.

(b) The Department shall submit a report annually to the County Commissioners for the period ending on April 30.

§33–401.

(a) The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–201 ("Issuance by Comptroller");

(2) § 2–202 ("Class 1 distillery license");

(3) § 2–203 ("Class 9 limited distillery license");

(4) § 2–204 ("Class 2 rectifying license");

(5) § 2–205 ("Class 3 winery license");

(6) § 2–206 ("Class 4 limited winery license");

(7) § 2–207 ("Class 5 brewery license");

(8) § 2–208 ("Class 6 pub–brewery license");

(9) § 2–210 ("Class 8 farm brewery license");

(10) § 2–211 ("Residency requirement");

(11) § 2–212 ("Additional licenses");

(12) § 2–213 ("Additional fees");

(13) § 2–214 ("Sale or delivery restricted");

(14) § 2–215 ("Beer sale on credit to retail dealer prohibited");

(15) § 2–216 ("Interaction between manufacturing entities and retailers");

(16) § 2–217 ("Distribution of alcoholic beverages — Prohibited practices"); and

(17) § 2–218 ("Restrictive agreements between producers and retailers — Prohibited").

(b) Section 2–209 ("Class 7 micro–brewery license") of Division I of this article applies in the county, subject to § 33–403 of this subtitle.

§33–402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§33–403.

(a) This section applies to a Class 7 micro–brewery license in the county.

(b) Notwithstanding § 2–209 (b) of this article, the license may be issued only to the holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the county; or

(2) a holder of a Class D beer (off–sale) license that is issued for use on the premises of the Class D license if the premises is located in the Town of Berlin.

(c) The hours and days of sale under a Class 7 micro–brewery license are the same as those for a Class D license.

§33–501.

(a) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 2–301 ("Licenses issued by Comptroller");

(2) § 2–304 ("Class 3 beer and wine wholesaler's license");

(3) § 2–305 ("Class 4 beer wholesaler's license");

(4) § 2–306 ("Class 5 wine wholesaler's license");

(5) § 2–307 ("Class 6 limited wine wholesaler's license");

(6) § 2–308 ("Class 7 limited beer wholesaler's license");

(7) § 2–309 ("Sale and delivery of beer or wine from wholesaler's vehicle");

(8) § 2–310 ("Sale and delivery to retail license holder");

(9) § 2–311 ("Additional wholesaler's licenses");

(10) § 2–312 ("Direct importation of alcoholic beverages");

(11) § 2–313 ("Sale or delivery restricted to holder of license or permit");

(12) § 2–315 ("Interaction between wholesaling entities and retailers");

(13) § 2–316 ("Distribution of alcoholic beverages — Prohibited practices"); and

(14) § 2–317 ("Restrictive agreements between wholesalers and retailers — Prohibited").

(b) The following sections of Title 2, Subtitle 3 ("Wholesaler's Licenses") of Division I of this article apply in the county:

(1) §§ 2–302 ("Class 1 beer, wine, and liquor wholesaler's license") and 2–303 ("Class 2 wine and liquor wholesaler's license"), subject to § 33–505 of this subtitle; and

(2) § 2–314 ("Beer sale on credit to retail dealer prohibited"), subject to § 33–504 of this subtitle.

§33–502.

Except as provided in § 33–503 of this subtitle, a holder of a wholesaler's license may sell or deliver alcoholic beverages to a holder of a retail license from 6 a.m. to midnight on every day except Sunday.

§33–503.

(a) A holder of a wholesaler's license may enter into an agreement with a holder of a per diem license issued under Subtitle 13 of this title to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

§33–504.

(a) (1) Notwithstanding § 2–314 of this article, a wholesaler may sell beer on credit to a retail dealer if:

(i) the retail dealer has been doing business for at least 2 years; and

(ii) the term of credit extended to the retail dealer does not exceed 10 days, with no grace period.

(2) A wholesaler that extends credit under this subsection may establish different prices for cash and credit transactions.

(b) (1) (i) A wholesaler may not intentionally deliver beer to a retail dealer to whom any wholesaler has extended credit under this section if the retail dealer:

1. fails to pay the balance owed or makes a payment on the debt by bad check; and

2. is currently listed on the county beer credit control list in accordance with regulations that the Executive Director issues.

(ii) A wholesaler who violates this paragraph is subject to a fine not exceeding $1,000 for each delivery.

(2) The Board may not transfer or renew the license of a retail dealer if the dealer was extended credit under this section and owes a balance on the debt at the time of the transfer or renewal.

(3) A retail dealer that fails to satisfy a debt on credit extended under this section on three separate occasions within a single calendar year may not obtain beer on credit for 2 years after the third occurrence.

(4) (i) A retail dealer may request a hearing with the Executive Director within 10 days after being listed on the county beer credit control list for failure to comply with this section.

(ii) The Executive Director shall remove immediately from the county beer credit control list a retail dealer who requests a hearing, pending the disposition of the hearing.

(c) A suit or civil action to enforce or collect a claim for credit extended in violation of this section may not be maintained in the State.

(d) The Executive Director shall enforce subsections (a) and (b) of this section and shall adopt regulations to carry out those subsections.

§33–505.

A license holder in the county may elect to purchase wine or liquor from a licensed wholesaler under § 33–305(c) of this title.

§33–601.

(a) There is a Class A beer license.

(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.

(2) The license holder shall sell the beer in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.

(c) The annual license fees are:

(1) $225 for a 6–day license; and

(2) $250 for a 7–day license.

§33–602.

(a) There is a Class B beer license.

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

(c) The annual license fees are:

(1) $275 for a 6–day license; and

(2) $350 for a 7–day license.

§33–603.

(a) There is a Class C beer license.

(b) The license authorizes the license holder to sell beer at retail to members of a club and their guests at the place described in the license for on–premises consumption.

(c) The annual license fee is $150.

§33–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for on–premises consumption or on– and off–premises consumption.

(2) A license may not be issued for a drugstore.

(c) The annual license fees are:

(1) $325 for a 6–day license; and

(2) $450 for a 7–day license.

§33–701.

(a) There is a Class A wine license in the county.

(b) The license may be issued to a holder of a Class 4 limited winery license.

(c) (1) The license authorizes the license holder to sell at retail wine produced at the winery on the premises described in the license.

(2) Wine shall be sold in a sealed package or container that may not be opened or its contents consumed on the licensed premises.

(d) The annual license fee is $50.

§33–801.

The wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume.

§33–802.

(a) There is:

(1) a Class A beer and wine 6–day license; and

(2) a Class A beer and wine 7–day license.

(b) (1) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(2) The license holder shall sell the beer and wine in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(c) The annual license fees are:

(1) $250 for a 6–day license; and

(2) $300 for a 7–day license.

§33–803.

(a) There is:

(1) a Class B beer and wine 6–day license; and

(2) a Class B beer and wine 7–day license.

(b) 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–premises consumption or on– and off–premises consumption.

(c) The annual license fees are:

(1) $300 for a 6–day license; and

(2) $400 for a 7–day license.

§33–804.

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

(b) The license authorizes the license holder to sell beer and wine to a member of a club and guests of members, at retail, at the place described in the license, for on–premises consumption.

(c) The annual license fee is $200.

§33–805.

(a) There is:

(1) a Class D beer and wine 6–day license; and

(2) a Class D beer and wine 7–day license.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on–premises consumption or on– and off–premises consumption.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fees are:

(1) $350 for a 6–day license; and

(2) $500 for a 7–day license.

§33–901.

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

(b) (1) The Board may issue the license to an individual for use at:

(i) a store previously operated by the Department of Liquor Control;

(ii) subject to paragraph (2) of this subsection, an establishment outside a 10–block radius of a store previously operated by the Department of Liquor Control that is in Ocean City; or

(iii) subject to paragraph (2) of this subsection, an establishment outside a 1–mile radius of a store previously operated by the Department of Liquor Control that is not in Ocean City.

(2) A distance restriction described in paragraph (1)(ii) or (iii) of this subsection on issuing licenses to establishments expires on the earlier of:

(i) July 1, 2017; or

(ii) the date a license is issued for use by a store previously operated by the Department of Liquor Control to which the distance restriction applies.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor, at retail, at the place described in the license.

(2) The license holder shall sell the beer, wine, and liquor in a sealed package or container.

(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer, wine, or liquor is sold.

(d) The annual license fee is $4,500.

§33–902.

(a) There are:

(1) a Class B beer, wine, and liquor 6–day license; and

(2) a Class B beer, wine, and liquor 7–day license.

(b) (1) The Board may issue a 6–day license for use in:

(i) a hotel that has at least 20 rooms and serves meals regularly; or

(ii) a restaurant that has seating at tables for at least 70 individuals.

(2) The Board may issue a 7–day license for use in:

(i) a hotel that:

1. has at least 20 rooms and serves meals regularly;

2. provides services ordinarily found in hotels;

3. has a lobby with a registration and mail desk and seating facilities; and

4. has an enclosed dining area that serves full–course meals from menus at least two times a day; or

(ii) a restaurant that has:

1. a seating capacity at tables for at least 70 individuals;

2. an enclosed dining area that serves full–course meals from menus at least two times a day; and

3. average daily receipts from the sale of food that exceed the average daily receipts from the sale of alcoholic beverages during the license term.

(3) The Board may not issue a license under this section for use in a hotel or restaurant unless the hotel or restaurant is:

(i) operated in a clean and sanitary manner; and

(ii) has proper restroom facilities.

(4) Before a license under this section may be issued for a premises in a municipality, the license application:

(i) shall be approved by the Board; and

(ii) may be subject to approval by the mayor and town council of the municipality.

(c) A license under this section authorizes the license holder to sell beer, wine, and liquor, at retail, at the place described in the license, for on–premises consumption or on– and off–premises consumption.

(d) (1) The annual license fees are:

(i) $1,750 for a 6–day license; and

(ii) $2,000 for a 7–day license.

(2) (i) Subject to subparagraph (ii) of this paragraph, all license fees shall be distributed to the general fund of the county.

(ii) If the licensed premises is located in a municipality, 75% of the license fees shall be distributed to the municipality.

§33–903.

(a) There are:

(1) a Class C (fishing club) beer, wine, and liquor license;

(2) a Class C (fraternal/sororal/service organization) beer, wine, and liquor license;

(3) a Class C (golf, tennis, or swimming club) beer, wine, and liquor license; and

(4) a Class C (veterans' organization or club) beer, wine, and liquor license.

(b) (1) This section does not apply to a "bring your own bottle" social function at which alcoholic beverages are provided only by the participants or guests.

(2) If such a social function is held in a facility open to the public, the function shall be held during the hours of operation allowed under a Class C license.

(c) (1) The Board may issue the fishing club license for use by a club that:

(i) is organized to promote the sport of fishing;

(ii) owns its own building;

(iii) has been in existence for at least 5 years before the application for the license is made;

(iv) has at least 25 members paying dues of at least $25 per year per adult member;

(v) operates only for the use of its members and guests when accompanied by members; and

(vi) meets in a clubhouse principally used for its members and guests.

(2) The Board may issue the fraternal/sororal/service organization license for use by a lodge or chapter of a nationwide nonprofit fraternal, sororal, or service organization that:

(i) is composed of inducted members;

(ii) was operating in the county for at least 5 years before the application for the license was made;

(iii) has at least 40 members paying dues of at least $5 per year per member; and

(iv) owns or operates a home or clubhouse principally used for members and guests when accompanied by members.

(3) The Board may issue the golf, tennis, or swimming club license for use by a country club, not including a miniature golf course, that:

(i) has been incorporated for at least 1 year before the application for the license was made;

(ii) has at least 100 members paying dues of at least $10 per year per adult member;

(iii) has facilities for preparing and serving food on the premises to members and guests when accompanied by members; and

(iv) owns or operates on the premises a clubhouse principally used for its members and guests.

(4) The Board may issue the veterans' organization or club license for use by a local unit of a nationwide nonprofit organization or club that:

(i) is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;

(ii) has held a charter from a national veterans' organization for at least 5 years before the application for the license is made;

(iii) has at least 15 members paying dues of at least $5 per year per member;

(iv) operates only for the use of its members and guests when accompanied by members; and

(v) meets in a clubhouse principally used for its members and guests.

(d) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license, for on–premises consumption.

(e) To qualify for a 7–day license, a club shall:

(1) have an enclosed dining area that has a seating capacity for at least 60 individuals; and

(2) serve full–course meals from menus at least twice daily.

(f) A club or organization that is issued a Class C license may:

(1) serve, sell, provide, or dispense alcoholic beverages to its members or guests;

(2) keep alcoholic beverages for its members or guests;

(3) allow on–premises consumption by its members or guests of any alcoholic beverages that have been reserved or purchased from the club by its members or guests;

(4) from the supplies that its members or guests have previously purchased or reserved, serve or provide alcoholic beverages or allow alcoholic beverages to be consumed by members or guests after legal closing hours; or

(5) sell, dispense, serve, keep, or allow to be consumed any setups or other component parts of mixed alcoholic drinks to its members or guests.

(g) The annual license fees:

(1) for a 6–day license is $500; and

(2) for a 7–day license is $750.

§33–904.

(a) There are:

(1) a 6–day Class D beer, wine, and liquor license; and

(2) a 7–day Class D beer, wine, and liquor license.

(b) The Board may issue a license under this section only for premises within:

(1) the corporate limits of Ocean City;

(2) the boundary lines of the 10th taxing district;

(3) the area bounded by U.S. Route 50 to the south, Turville Creek and Herring Creek to the east, St. Martin River to the north, and Maryland Route 589 to the west;

(4) the area bounded by Maryland Route 589 to the north and east, U.S. Route 50 to the south, and U.S. Route 113 to the west;

(5) from the intersection of Maryland Route 589 and U.S. Route 50, an area bounded by a line that extends 1,500 feet south of U.S. Route 50, east to the boundary of the 10th taxing district, north along the 10th taxing district boundary to U.S. Route 50, and west to the intersection of Maryland Route 589 and U.S. Route 50;

(6) the corporate limits of the Town of Berlin; and

(7) the corporate limits of the Town of Snow Hill.

(c) A license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption and beer and wine for off–premises consumption.

(d) The annual license fees, set by the County Commissioners, may not be less than:

(1) $3,000 for a 6–day license; and

(2) $3,500 for a 7–day license.

§33–905.

(a) There are:

(1) a 6–day Class H beer, wine, and liquor license; and

(2) a 7–day Class H beer, wine, and liquor license.

(b) The Board may issue a license under this section for a hotel or restaurant.

(c) A license under this section authorizes the license holder to sell beer, wine, and liquor at retail, at the place described in the license, for on–premises consumption.

(d) The annual license fees are:

(1) $1,700 for a 6–day license; and

(2) $2,400 for a 7–day license.

§33–906.

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

(b) (1) The Board may only issue the license for a premises within:

(i) the corporate limits of Ocean City;

(ii) the boundary lines of the 10th election district;

(iii) the boundary lines of the 2nd precinct of the 3rd election district; or

(iv) the area bounded by Maryland Route 589 to the north and east, U.S. Route 50 to the south, and U.S. Route 113 to the west, all of which lie within the 1st precinct of the 3rd election district.

(2) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on–premises consumption.

(c) (1) A license holder may purchase:

(i) wine and liquor from:

1. the Department of Liquor Control for the county; or

2. a licensed wholesaler; and

(ii) beer from a licensed wholesaler.

(2) The Department of Liquor Control for the county shall charge a license holder the lesser of the following prices set by the Department:

(i) 85% of the retail price of the wine or liquor; and

(ii) the special sale price or discount price.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class I beer, wine, and liquor license under § 33–2005(e) of this title.

(e) (1) The license fees, set by the County Commissioners, may not be less than:

(i) $2,500 for a 6–day license; and

(ii) $3,000 for a 7–day license.

(2) (i) Subject to subparagraph (ii) of this paragraph, license fees shall be distributed to the general fund of the county.

(ii) If the licensed premises are in a municipality, 75% of the fees shall be distributed to the municipality.

§33–1001.

(a) There is a Class EF (entertainment facility) beer, wine, and liquor license.

(b) The Board may issue the license to an applicant that has a capital investment in the facility for which the license is sought of at least $45,000,000.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor:

(i) by the drink and bottle;

(ii) from one or more outlets in the entertainment facility; and

(iii) for consumption anywhere in the entertainment facility.

(2) The license authorizes the playing of music and dancing.

(3) The Board may issue one or more licenses for the same facility.

(d) The license holder may sell and serve beer, wine, and liquor on each day that the entertainment facility is open for business, from 9 a.m. to 4 a.m. the following day.

(e) The annual license fee is $15,000.

§33–1002.

(a) There is a Class C (golf course) beer, wine, and liquor license.

(b) The Board may issue the license for use by a golf course or organization that:

(1) is open to the public;

(2) is operated for profit;

(3) owns real estate in the county; and

(4) has a golf course with a minimum of 18 holes.

(c) (1) The license holder may sell beer, wine, and liquor for consumption on the land and in the buildings that are part of the golf course.

(2) A patron need not be seated to be served.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 33–2005 of this title.

(e) The annual license fee is $2,625.

§33–1003.

(a) There is an Ocean City Convention Hall license.

(b) The Board may issue the license to the Convention Hall Commission and its successors for use on the premises of the Ocean City Convention Hall.

(c) The Ocean City Convention Hall Commission may:

(1) authorize a vendor to sell alcoholic beverages for on–premises consumption under the license that the Commission is issued; and

(2) contract to receive part of the revenue derived from the vendor's sale of alcoholic beverages.

(d) This section does not affect the operation of § 33–1102 of this title.

§33–1004.

(a) There is a Class D Ocean City municipal golf course beer, wine, and liquor license.

(b) (1) The Board may issue the license to the Mayor of Ocean City for on–premises consumption for use on the premises of the Ocean City municipal golf courses.

(2) A separate license is required for each Ocean City municipal golf course.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption 7 days a week on the premises of an Ocean City golf course.

(2) The license holder may contract with a concessionaire to sell beer, wine, and liquor for on–premises consumption.

(d) (1) Before the license is issued, the Mayor shall designate an individual to complete training in an alcohol awareness program approved under § 4–505 of this article.

(2) The individual designated by the Mayor shall:

(i) represent the concessionaire; and

(ii) be directly involved with the management of the sale of beer, wine, and liquor by the concessionaire.

(e) The license holder may sell beer, wine, and liquor:

(1) during the hours and days as set out for a Class D beer, wine, and liquor license under § 33–2005 of this title; or

(2) during fewer hours as specified by the license holder.

(f) The license:

(1) shall be issued and renewed without charge or an annual fee; and

(2) may not be transferred.

§33–1005.

(a) There is a racetrack:

(1) beer license;

(2) beer and wine license; and

(3) beer, wine, and liquor license.

(b) (1) The Board may issue a license under this section to:

(i) the owner of a licensed horse racing establishment that holds public meetings at which pari–mutuel betting is allowed; or

(ii) the concessionaire or catering organization at the racing establishment, whether an individual, an association, or a corporation.

(2) There are no residential or voting qualifications for a license under this section.

(c) The license authorizes the license holder to sell the alcoholic beverages stated on the license at one or more locations in the racing park of the license holder.

(d) A license holder may purchase:

(1) beer, wine, and liquor from a holder of a wholesaler's license; or

(2) wine and liquor from the county Department of Liquor Control, which shall sell wine and liquor to a license holder at a discount of at least 15% from the retail sales price or any special sale price or discount price, whichever is lower.

(e) **T**he annual fee for:

(1) the beer license is the same as the fee for other beer licenses in the county;

(2) the beer and wine license is the same as the fee for other beer and wine licenses in the county; and

(3) the beer, wine, and liquor license is $1,500.

§33–1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) Section 4–1105 ("Refillable container permit — Wine") of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"), subject to § 33–1103 of this subtitle; and

(2) § 4–1106 ("Nonrefillable container permit — Draft beer"), subject to § 33–1104 of this subtitle.

§33–1102.

(a) (1) In this section the following words have the meanings indicated.

(2) "Commission" means the Ocean City Convention Hall Commission.

(3) "Organization" includes the following types of nonprofit organizations:

(i) armed services;

(ii) charitable;

(iii) civic;

(iv) employees;

(v) firefighters;

(vi) fraternal;

(vii) governmental–support;

(viii) hospital;

(ix) labor;

(x) patriotic;

(xi) political;

(xii) professional;

(xiii) religious;

(xiv) trade; and

(xv) war veterans.

(b) With the approval of the Commission, the Board may allow the members and guests of an organization to bring their own alcoholic beverages onto the premises of the Ocean City Convention Hall without first obtaining a license if:

(1) the alcoholic beverages are not sold; and

(2) the consumption of the alcoholic beverages is restricted to the premises.

(c) With the approval of the Commission, the Board may allow the Mayor and City Council of Ocean City or their designee to sponsor a function at which patrons are allowed to bring their own alcoholic beverages onto the premises of the Ocean City Convention Hall without first obtaining a license if:

(1) the alcoholic beverages are not sold; and

(2) the consumption of the alcoholic beverages is on the premises only.

§33–1103.

(a) The Board may issue a refillable container permit for draft beer to a holder of a Class B or Class D license.

(b) Before the Board issues the permit to an applicant, the applicant shall:

(1) complete the form that the Board provides; and

(2) pay an annual permit fee of $500.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) Receipts collected under the permit shall be included in the calculation of average daily receipts from the sale of alcoholic beverages under a Class B restaurant license and a Class B hotel license.

§33–1104.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of a Class B license or a Class D license.

(b) (1) Before the Board issues the permit to an applicant, the applicant shall:

(i) complete the form that the Board provides; and

(ii) except as provided in paragraph (2) of this subsection, pay an annual permit fee of $500.

(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

(c) The hours of sale for the permit:

(1) begin at the same time as those for the underlying license; and

(2) end at midnight.

(d) Receipts collected under the permit shall be included in the calculation of average daily receipts from the sale of alcoholic beverages under a Class B restaurant license and a Class B hotel license.

§33–1201.

(a) There is a local caterer's license.

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

(1) a Class B restaurant or hotel (on–sale) beer, wine, and liquor license; and

(2) a Class D beer, wine, and liquor license.

(c) The license authorizes a holder to:

(1) provide beer, wine, and liquor at an event that is held off the premises for which the holder's Class B restaurant or hotel (on–sale) beer, wine, and liquor license or Class D beer, wine, and liquor license is issued; and

(2) exercise the privileges of the license only during the hours and on the days authorized for the Class B restaurant or hotel (on–sale) beer, wine, and liquor license or Class D beer, wine, and liquor license.

(d) The license holder shall provide food for consumption at the catered event.

(e) The annual license fee is $500.

(f) This section does not require a holder of a Class B restaurant or hotel (on–sale) beer, wine, and liquor license or a Class D beer, wine, and liquor license to obtain a local caterer's license for catering on the premises for which the holder's Class B or Class D license is issued.

§33–1301.

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

(1) § 4–1202 ("Per diem licenses");

(2) § 4–1203 ("Class C per diem beer and Class C per diem beer and wine licenses");

(3) § 4–1206 ("License to dispose of stock");

(4) § 4–1207 ("Temporary move of licensed premises"); and

(5) § 4–1209 ("Wine permit for fund–raising event").

(b) Section 4–1204 ("Class C per diem beer, wine, and liquor license") of Division I of this article does not apply in the county.

(c) Sections 4–1205 ("License fees") and 4–1208 ("Hours and days of sale") of Division I of this article apply in the county, subject to § 33–1307 of this subtitle.

§33–1302.

§33–1303.

§33–1304.

(a) In this section, "Festival" means:

(1) the Worcester County Beer and Wine Festival; or

(2) a similar festival featuring beer and wine that the Board approves.

(b) (1) There is a beer and wine festival license.

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

(c) The Board may issue the license to a holder of a retail license, Class 3 winery license, or Class 4 limited winery license.

(d) The license authorizes the holder to display and sell:

(1) wine that is:

(i) manufactured and processed in any state; and

(ii) distributed in the State when the license application is filed; and

(2) beer that is brewed by a brewer:

(i) that brews less than 60,000 barrels of beer annually; and

(ii) whose product is distributed in the State when the license application is filed.

(e) 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 festival.

(f) The Board:

(1) each year may choose one weekend, Friday through Sunday inclusive, for each Festival;

(2) may not choose a weekend for each Festival that is the same weekend as the Maryland Wine Festival in Carroll County;

(3) shall choose a location that is not already licensed; and

(4) shall ensure that the primary focus of the Festival is the promotion of Maryland beer and wine.

(g) The license holder may hold another license of a different class or nature.

(h) Beer and wine displayed and sold shall be:

(1) invoiced to the license holder by a licensed wholesaler, Class 3 winery, or Class 4 limited winery; and

(2) delivered to each festival from the licensed premises of the wholesaler, Class 3 winery, or Class 4 limited winery.

(i) A holder of a wholesale, Class 3 winery, or Class 4 limited winery license may enter into an agreement with the license holder 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 2 days after the expiration date of the license.

(j) The Board may set the license fee.

(k) The Board shall adopt regulations to carry out this section.

§33–1305.

(a) There is a 1–day beer and wine tasting license.

(b) The Board may issue not more than two licenses per year.

(c) The Board may issue a license to an organization representing local governments in the State for the primary purpose of promoting products and businesses from across the State.

(d) An organization may apply for not more than one license per year.

(e) The license authorizes the holder to allow the on–premises consumption, for tasting, of beer or wine on the premises of the Ocean City Convention Center, with the approval of the management of the Ocean City Convention Center.

(f) A license holder may serve:

(1) wine in a quantity of not more than 2 ounces from each offering; or

(2) beer in a quantity of not more than 3 ounces from each offering.

(g) An individual who serves beer or wine shall have a certificate of completion of an alcohol awareness program, as defined in § 4–505 of this article.

(h) An organization shall apply for the license at least 15 days before the license is issued.

(i) The license fee is $100.

§33–1307.

(a) The Board may issue a Sunday license to a holder of a 6–day Class B or a 6–day Class C beer, wine, and liquor license.

(b) The license entitles the holder to sell alcoholic beverages to a convention or other special group that is approved by:

(1) the Board; and

(2) the mayor and city council of a municipality if:

(i) the premises is in the municipality; and

(ii) the mayor and city council require that the group obtain their approval.

(c) The license allows on–premises consumption from 12:30 p.m. on Sunday to 1 a.m. the following day.

(d) An applicant shall file an application for a license at least 10 days before the day the license is to be used.

(e) The fee shall be paid to the Board before the license is issued.

(f) The fee for a Sunday license is $10 per day of use.

§33–1308.

(a) There is a Sunday club license.

(b) The Board may issue a Sunday club license to a club that already holds a Class C beer, wine, and liquor license.

(c) The Board may issue to a club not more than 20 Sunday club licenses during a calendar year.

(d) An applicant shall file an application for a license with the Board at least 14 days before the license is to be used.

(e) A license issued by the Board is subject to all conditions and regulations established by the Board for the on–premises consumption of alcoholic beverages authorized under the license.

(f) The fee for the license is $10 per day of use.

§33–1309.

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

(b) The Board may issue a Class C per diem (nonprofit charitable organization) beer, wine, and liquor license to a nonprofit organization.

(c) (1) The license is a multiple 1–day alcoholic beverages license.

(2) On application, the applicant:

(i) shall specify the dates of the events for which the license will be used; but

(ii) may not specify more than 12 dates.

§33–1310.

(a) There is an Ocean City promoter's license.

(b) The Board may issue the license to a for–profit organization to sell and serve beer, wine, and liquor at an entertainment event that is held on a premises that is:

(1) located within the corporate limits of the Town of Ocean City;

(2) owned by the Town of Ocean City; and

(3) approved in writing by the Ocean City Police Department.

(c) The Board may adopt regulations that:

(1) restrict the number of licenses issued under this section each year; and

(2) establish the requirements for conducting the sale and service of beer, wine, and liquor at the event described in subsection (b) of this section, including health and safety standards to be met by a license holder.

(d) An applicant for the license shall submit an application under oath on the form that the Board provides.

(e) The license fee is $5,000 per entertainment event.

§33–1401.

(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) § 4–106 ("Payment of notice expenses");

(4) § 4–108 ("Application form required by Comptroller");

(5) § 4–110 ("Required information on application – Petition of support");

(6) § 4–113 ("Refund of license fees"); and

(7) § 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) § 4–104 ("Application on behalf of corporation or club"), subject to § 33–1402 of this subtitle;

(2) § 4–105 ("Application on behalf of limited liability company"), subject to § 33–1402 of this subtitle;

(3) § 4–107 ("Criminal history records check"), subject to §§ 33–1404 through 33–1406 of this subtitle;

(4) § 4–109 ("Required information on application — In general"), subject to § 33–1403 of this subtitle;

(5) § 4–111 ("Payment of license fees"), subject to § 33–1407 of this subtitle; and

(6) § 4–112 ("Disposition of license fees"), subject to § 33–1408 of this subtitle.

§33–1402.

(a) This section does not apply to:

(1) a license holder of a license issued before May 1, 1977; and

(2) an applicant for a Class B beer, wine, and liquor license.

(b) (1) Except as provided in subsection (a) of this section, a license on behalf of a corporation or limited liability company may be issued only if the following requirements are met.

(2) At least one applicant shall:

(i) be a registered voter, taxpayer, and resident of the county; and

(ii) own at least 10% of the total issued capital stock of the corporation or 10% interest in the limited liability company.

(3) Each applicant shall submit to the Board a sworn statement that includes:

(i) 1. the name and address of each stockholder of the corporation; and

2. the number of voting shares owned by each stockholder; or

(ii) 1. the name and address of each member of the limited liability company; and

2. the percentage share of voting interest owned by each member.

§33–1403.

An applicant for a license shall include a signed statement that:

(1) the applicant has never offered a plea of nolo contendere to a felony indictment which was accepted by a court; and

(2) (i) the applicant has not been convicted of a felony; or

(ii) if the application is made on behalf of a corporation, neither the applicant nor the stockholders of the corporation have been convicted of a felony.

§33–1404.

The Board may obtain criminal records on license applicants and their agents from the county police, Sheriff's Department, and all municipal police departments, as well as from the Central Repository.

§33–1405.

The Board also may obtain criminal records under § 33–1404 of this subtitle on the stockholders holding at least a 10% interest in the corporation.

§33–1406.

The Board shall destroy the criminal history record information obtained under § 4–107 of this article on completion of its necessary use.

§33–1407.

(a) The County Commissioners shall regulate the license fees.

(b) Unless otherwise provided by the County Commissioners, the license fees established in this title prevail.

§33–1408.

(a) Except as provided in subsection (b) of this section, the license fees shall be paid into the general fund of the county.

(b) If a licensed premises is in a municipality, 75% of the license fees shall be remitted to the municipality.

§33–1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–202 ("Authority of local licensing boards");

(2) § 4–205 ("Chain store, supermarket, or discount house");

(3) § 4–206 ("Limitations on retail sales floor space");

(4) § 4–207 ("Licenses issued to minors");

(5) § 4–209 ("Hearing");

(6) § 4–210 ("Approval or denial of license application");

(7) § 4–211 ("License forms; effective date; expiration");

(8) § 4–213 ("Replacement licenses"); and

(9) § 4–214 ("Waiting periods after denial of license applications").

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(1) § 4–203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to Subtitle 13, Part III and Subtitle 16, Part II of this title;

(2) § 4–204 ("Prohibition against issuing multiple licenses for same premises"), subject to Subtitle 13, Part III of this title;

(3) § 4–208 ("Notice of license application required"), subject to § 33–1502 of this subtitle; and

(4) § 4–212 ("License not property"), subject to § 33–1503 of this subtitle.

§33–1502.

Notice of a license application shall be published once a week for 2 consecutive weeks in at least one newspaper published in the municipality in which or nearest to which the location described in the application is situated.

§33–1503.

A license is not subject to:

(1) a writ of execution by a judgment creditor of a license holder; or

(2) a distraint for rent.

§33–1504.

(a) If an applicant applies for a license to sell alcoholic beverages in a building that is incomplete, or in a building or portion of a building that is to be remodeled or renovated, the Board may give tentative approval of the application on the basis of the building plans and specifications that accompany the application.

(b) The Board may give final approval of the license application for which it had given tentative approval on completion of the construction or the remodeling or renovation of the building in accordance with the building plans submitted by the applicant.

§33–1601.

The Board may not issue any license with an off–sale privilege for use in a business that is intended to be operated as a drive–through sales facility at which alcoholic beverages are:

(1) sold at retail; and

(2) dispensed through a window or door to a purchaser in or on a motor vehicle for off–premises consumption.

§33–1604.

The Board may issue not more than nine licenses to a person under §§ 33–1605 and 33–1606 of this subtitle, including not more than three licenses for a restaurant under § 33–1605 of this subtitle.

§33–1605.

(a) (1) Subject to subsection (b) of this section, the Board may issue not more than two additional licenses of the same type to a holder of:

(i) a Class B (on–sale) hotel and restaurant beer, wine, and liquor license; or

(ii) a Class B (on–sale) hotel and restaurant beer and wine license.

(2) A license issued under this subsection shall be issued for premises used as a restaurant.

(b) (1) The restaurant shall have:

(i) a minimum capital investment of $150,000 for restaurant facilities, not including the cost of land or buildings; and

(ii) a minimum seating capacity of 125 individuals.

(2) The Board may define "restaurant" by regulation.

(3) Except as provided in § 33–1606 of this subtitle, the Board may not issue more than three licenses of all classes under this section to or for the use of the same person.

§33–1606.

(a) (1) Subject to paragraph (2) of this subsection and § 33–1604 of this subtitle, the Board may not issue additional licenses of the same class and type to a holder of:

(i) a Class B (on–sale) beer, wine, and liquor license; or

(ii) a Class B (on–sale) beer and wine license.

(2) A license under this subsection shall be issued for premises used and operated as a hotel–restaurant or motel–restaurant complex.

(b) The premises of a license holder under this section shall have:

(1) 50 or more sleeping rooms for rent;

(2) a minimum capital investment of $150,000 for restaurant facilities, not including the cost of land or building; and

(3) a minimum restaurant seating capacity of 75 individuals.

(c) (1) The Board may only issue an additional license under this section if the restaurant operation is part of the hotel or motel operation.

(2) A person may not have a pecuniary interest in the license other than the person's entity that owns the hotel or motel.

(d) (1) Except as provided in paragraph (2) of this subsection, the Board may not allow the transfer of a license granted under this section.

(2) A license may only be transferred subject to the filing of a new application.

(e) The Board shall limit additional licenses to providing alcoholic beverages for on–premises consumption.

§33–1607.

(a) Subject to subsection (b) of this section, the Board may allow a homeowners association that owns more than one facility, as defined by the Board, to hold multiple Class B licenses, multiple Class C licenses, or a combination of Class B and Class C licenses.

(b) Admission to a facility licensed with a Class C license shall be limited to:

(1) the owners of the real property as governed by recorded covenants of the homeowners association;

(2) the owners' tenants; and

(3) guests in the company of the owners.

§33–1701.

(a) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county without exception or variation:

(1) § 4–303 ("Chain store, supermarket, or discount house"); and

(2) § 4–304 ("Compliance with Bulk Transfers Act required").

(b) Section 4–306 ("Substitution of names of officers on license") of Division I of this article does not apply in the county and is superseded by § 33–1706 of this subtitle.

(c) The following sections of Title 4, Subtitle 3 ("Transfer of Local Licenses; Substitution of Names on License") of Division I of this article apply in the county:

(1) § 4–302 ("Transfer of place of business; transfer of license and inventory"), subject to § 33–1702 of this subtitle; and

(2) § 4–305 ("Filing fee and endorsement"), subject to § 33–1705 of this subtitle.

§33–1702.

The Board may not transfer an off–sale license for use in a business that is intended to be operated as a drive–through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off–premises consumption.

§33–1703.

Before a license holder transfers a pecuniary interest in the licensed establishment, the license holder shall obtain the approval of the Board.

§33–1704.

The Board may not transfer the license of a retail dealer that has been extended credit under § 33–504 of this title and that owes a balance on the debt.

§33–1705.

In addition to the costs of publication, notice, and any hearing fees required, the fee for a transfer of a license is the greater of:

(1) $50; or

(2) 25% of the annual fee for the license.

§33–1706.

(a) (1) Subject to paragraph (2) of this subsection, for a license issued for the use of a corporation or club, the license holder may substitute on the license the name of a different officer for the name of any officer who:

(i) has died;

(ii) has retired; or

(iii) no longer holds an office in the corporation or club.

(2) A substitute officer shall be an individual approved by the Board who meets all the requirements applicable to the original officer.

(b) The license holder shall file an affidavit and application with the Board that contains:

(1) the substitution of the officer; and

(2) an explanation for the substitution.

(c) On receipt of the affidavit and application and after a finding by the Board that the individual is fit and would meet the same requirements applicable to the original officer, the Board shall:

(1) amend its record; and

(2) issue a corrected license.

(d) On receipt of the affidavit and application and payment of a $5 fee, the Board shall:

(1) amend its records; and

(2) issue a corrected license.

(e) The license holder shall pay a fee of $100 to the Board for the service.

§33–1801.

(a) The following sections of Title 4, Subtitle 4 ("Renewal of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–402 ("Eligibility for renewal; process");

(2) § 4–403 ("Renewal application");

(3) § 4–405 ("Contents of renewal application");

(4) § 4–406 ("Protests");

(5) § 4–407 ("Denial of renewal application");

(6) § 4–408 ("Issuance of renewed licenses");

(7) § 4–409 ("Multiple licenses"); and

(8) § 4–410 ("Chain store, supermarket, or discount house").

(b) Section 4–404 ("Filing period for renewal application") of Division I of this article applies in the county, subject to § 33–1802 of this subtitle.

§33–1802.

The Board may accept late applications during April and fine the license holder an amount not exceeding $50 for each day the application is late.

§33–1803.

The Board may renew a Class A beer license, beer and wine license, or wine license issued before January 1, 2002.

§33–1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

(1) § 4–502 ("Storage of alcoholic beverages");

(2) § 4–503 ("Solicitations and sales outside of licensed premises");

(3) § 4–506 ("Evidence of purchaser's age"); and

(4) § 4–508 ("Display of license").

(b) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county:

(1) § 4–504 ("Employment of underage individuals"), subject to § 33–1902 of this subtitle;

(2) § 4–505 ("Alcohol awareness program"), subject to § 33–1903 of this subtitle; and

(3) § 4–507 ("Retail delivery of alcoholic beverages"), subject to § 33–1904 of this subtitle.

§33–1902.

(a) A license holder may not employ an individual under the age of 18 years in the sale of alcoholic beverages, unless a permit is obtained from the Sheriff and State's Attorney of the county.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $200 or both.

§33–1903.

(a) This section does not apply to a holder of a Class C license.

(b) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(i) be certified by an approved alcohol awareness program; and

(ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(c) A license holder who violates this section is subject to:

(1) for a first offense, a $100 fine; and

(2) for each subsequent offense, a fine not exceeding $500 or a suspension or revocation of the license or both.

§33–1904.

(a) Except for events catered by a holder of a caterer's license, a holder of a retail license issued by the Board may not deliver alcoholic beverages outside of the licensed premises.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $200 or both.

§33–1905.

(a) Except as provided in subsection (b) of this section, to qualify for an "on–sale" Class B license, Class C license, or Class D license, the licensed premises shall be equipped with public restrooms with:

(1) a minimum of one restroom for each sex; and

(2) a connection to a public or private water and waste system that is approved by the health department.

(b) If the Board finds that the requirements of this section will impose an undue hardship on the applicant, the Board may waive the requirements.

§33–2001.

(a) (1) Unless otherwise provided in this title, from 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in a premises licensed under this title.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§33–2002.

(a) A holder of a retail alcoholic beverages license may sell or provide alcoholic beverages or allow alcoholic beverages to be consumed on the licensed premises only in accordance with this subtitle.

(b) Except as otherwise provided in this subtitle, alcoholic beverages may not be sold on Monday through Sunday, from 2 a.m. to 9 a.m.

§33–2003.

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

(1) a 6–day license, on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; or

(2) a 7–day license, on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) (1) A holder of a 6–day Class B beer license may sell beer on Monday through Saturday:

(i) for off–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption, from 9 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, a holder of a 7–day Class B beer license may sell beer:

(i) for off–premises consumption, on Monday through Sunday, from 6 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption:

1. on Monday through Saturday, from 9 a.m. to 2 a.m. the following day; and

2. on Sunday, from 12:30 p.m. to 2 a.m. the following day.

(3) A holder of a 7–day Class B beer license in the tenth election district in the county may sell beer on Monday through Sunday:

(i) for off–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption, from 9 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer license may sell beer on Monday through Saturday, from 9 a.m. to 2 a.m. the following day.

(d) (1) A holder of a 6–day Class D beer license may sell beer on Monday through Saturday:

(i) for off–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption, from 9 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, a holder of a 7–day Class D beer license may sell beer:

(i) for off–premises consumption, on Monday through Sunday, from 6 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption:

1. on Monday through Saturday, from 9 a.m. to 2 a.m. the following day; and

2. on Sunday, from 12:30 p.m. to 2 a.m. the following day.

(3) A holder of a 7–day Class D beer license in the tenth election district in the county may sell beer on Monday through Sunday:

(i) for off–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption, from 9 a.m. to 2 a.m. the following day.

§33–2004.

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

(1) a 6–day license, on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; or

(2) a 7–day license, on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) (1) A holder of a 6–day Class B beer and wine license may sell beer and wine on Monday through Saturday:

(i) for off–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption, from 9 a.m. to 2 a.m. the following day.

(2) A holder of a 7–day Class B beer and wine license may sell beer and wine on Monday through Sunday:

(i) for off–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption, from 9 a.m. to 2 a.m. the following day.

(c) A holder of a Class C beer and wine license may sell beer and wine on Monday through Saturday, from 9 a.m. to 2 a.m. the following day.

(d) (1) A holder of a 6–day Class D beer and wine license may sell beer and wine on Monday through Saturday:

(i) for off–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption, from 9 a.m. to 2 a.m. the following day.

(2) A holder of a 7–day Class D beer and wine license may sell beer and wine on Monday through Sunday:

(i) for off–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption, from 9 a.m. to 2 a.m. the following day.

§33–2005.

(a) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Sunday, from 6 a.m. to 2 a.m. the following day.

(b) (1) Except as provided in paragraph (3) of this subsection, a holder of a 6–day Class B beer, wine, and liquor license may sell:

(i) for off–premises consumption on Monday through Saturday:

1. beer and wine, from 6 a.m. to 2 a.m. the following day; and

2. liquor, from 9 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption on Monday through Saturday, beer, wine, and liquor, from 9 a.m. to 2 a.m. the following day.

(2) Except as provided in paragraph (3) of this subsection, a holder of a 7–day Class B beer, wine, and liquor license may sell:

(i) for off–premises consumption on Monday through Sunday:

1. beer and wine, from 6 a.m. to 2 a.m. the following day; and

2. liquor, from 9 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption on Monday through Sunday, beer, wine, and liquor, from 9 a.m. to 2 a.m. the following day.

(3) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor during the hours that are set out under paragraphs (1) or (2) of this subsection, unless the Ocean City Convention Hall Commission specifies a shorter time.

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

(1) a 6–day license, on Monday through Saturday, from 9 a.m. to 2 a.m. the following day; or

(2) a 7–day license, on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

(d) (1) A holder of a 6–day Class D beer, wine, and liquor license may sell:

(i) for off–premises consumption:

1. beer and wine, on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

2. liquor, on Monday through Saturday, from 9 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption, beer, wine, and liquor, on Monday through Saturday, from 9 a.m. to 2 a.m. the following day.

(2) A holder of a 7–day Class D beer, wine, and liquor license may sell:

(i) for off–premises consumption:

1. beer and wine, from 6 a.m. to 2 a.m. the following day; and

2. liquor, from 9 a.m. to 2 a.m. the following day; and

(ii) for on–premises consumption, beer, wine, and liquor from 9 a.m. to 2 a.m. the following day.

(e) A holder of a Class I beer, wine, and liquor license may sell beer, wine, and liquor, for on–premises consumption, under:

(1) a 6–day license, on Monday through Saturday, from 9 a.m. to 2 a.m. the following day; or

(2) a 7–day license, on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

§33–2006.

The Board shall determine the hour when a license holder shall stop selling alcoholic beverages on January 1, regardless of the day of the week on which January 1 falls.

§33–2007.

(a) (1) Except as provided in paragraph (2) or (3) of this subsection, an individual may not consume alcoholic beverages in an unlicensed club, dance studio, disco, hotel, restaurant, tavern, or any other place of public entertainment.

(2) An individual may consume alcoholic beverages:

(i) in the room of a registered guest in a hotel, motel, or hospice; or

(ii) on the property of a volunteer fire company.

(3) An individual may consume alcoholic beverages on the premises of:

(i) a fishing club that was established before January 1, 1970; or

(ii) any of the following establishments if it has been in existence for at least 3 years:

1. a catering establishment;

2. a community or civic association;

3. a swim club;

4. a social, civic, nonprofit, charitable, fraternal, patriotic, educational, or public service organization; or

5. a religious institution.

(b) The prohibition under subsection (a) of this section applies at all times, unless consumption is authorized by this subtitle.

(c) The Board shall adopt regulations to carry out this section.

(d) A person subject to this section who knowingly violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $10,000.

§33–2008.

If sales of alcoholic beverages in a licensed premises may continue until 2 a.m., alcoholic beverages may not be consumed later than 2:30 a.m., when the licensed premises shall be vacated by all customers.

§33–2101.

(a) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4–602 ("Power of local licensing board");

(2) § 4–605 ("Nudity and sexual displays"); and

(3) § 4–606 ("Effects of revocation").

(b) The following sections of Title 4, Subtitle 6 ("Revocation and Suspension of Local Licenses") of Division I of this article apply in the county:

(1) § 4–603 ("Revocation and suspension procedures"), subject to § 33–2102 of this subtitle; and

(2) § 4–604 ("Grounds for revocation or suspension"), subject to § 33–2103 of this subtitle.

§33–2102.

(a) In addition to the procedures under § 4–603 of this article, the Board shall notify the license holder of the complaint by:

(1) personal service on the license holder or any adult employee of the license holder; or

(2) any other method of service of notice that conforms with Maryland Rules 2–121 and 2–122.

(b) If notice is given to an adult employee of the license holder under subsection (a) of this section, the Board shall mail a copy of the notice or a letter describing the contents of the notice to the home or business address of the license holder within 72 hours after the notice is given to the adult employee.

§33–2103.

In addition to the grounds for revocation or suspension in § 4–604 of this article, the Board may revoke or suspend a license if the license has not been placed in operation after 6 months following its issuance or transfer.

§33–2201.

Title 4, Subtitle 7 ("Expiration of Local Licenses") of Division I of this article applies in the county without exception or variation.

§33–2301.

Title 4, Subtitle 8 ("Death of License Holder") of Division I of this article applies in the county without exception or variation.

§33–2401.

Title 4, Subtitle 9 ("Judicial Review") of Division I of this article applies in the county without exception or variation.

§33–2501.

(a) A person may not serve setups, including drinking containers and ice, or serve, keep, or allow to be consumed alcoholic beverages or other component parts of mixed alcoholic drinks in a place of adult entertainment that:

(1) does not hold a license under this article; and

(2) allows at its location any form of sexual display or attire prohibited under § 4–605 of this article.

(b) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow a customer to bring alcoholic beverages for consumption into the establishment.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§33–2502.

(a) From 2 a.m. to 6 a.m. on any day, an individual may not consume alcoholic beverages in:

(1) an establishment open to the public;

(2) a place of public entertainment; or

(3) a place at which setups or other component parts of mixed alcoholic beverages are sold under a license issued under the Business Regulation Article.

(b) An owner or a manager of an establishment or a place specified in subsection (a) of this section may not knowingly allow consumption of alcoholic beverages between the hours specified in subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $4,000.

§33–2503.

(a) Except as otherwise provided in subsection (b) of this section and elsewhere in this article, a person may not consume alcoholic beverages at any time on any day of the week in a restaurant, tavern, hotel, club, dance studio, disco, and any other place of public entertainment.

(b) Exempt from subsection (a) of this section are:

(1) the room of a registered guest in a hotel, motel, or hospice;

(2) the property of a volunteer fire company;

(3) a fishing club established before January 1, 1970; and

(4) if it has been in existence for at least 3 years:

(i) a catering establishment;

(ii) a community or civic association;

(iii) a swim club;

(iv) a social, civic, nonprofit, charitable, fraternal, patriotic, educational, or public service organization; and

(v) a religious institution.

(c) The Board shall adopt regulations to carry out this section.

(d) An owner, a manager, or an employee of an establishment or a place subject to the prohibitions of this section who knowingly allows consumption in violation of this section is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding $10,000.

§33–2601.

(a) The following sections of Title 6, Subtitle 2 ("Enforcement") of Division I of this article apply in the county without exception or variation:

(1) § 6–202 ("Inspections");

(2) § 6–203 ("Use of equipment to measure quantity and quality of alcoholic beverages");

(3) § 6–204 ("Power to summon witnesses");

(4) § 6–205 ("Peace officers");

(5) § 6–206 ("Charging document for unlawful sale of alcoholic beverage");

(6) § 6–207 ("Display of alcoholic beverages as prima facie evidence of sale");

(7) § 6–208 ("Regulating possession or consumption of alcohol in public places");

(8) § 6–209 ("Adoption of standards for authorization of consumption"); and

(9) § 6–210 ("State preemption of local disorderly intoxication laws").

(b) Section 6–211 ("Fines and forfeitures") of Division I of this article applies in the county, subject to § 33–2603 of this subtitle.

§33–2602.

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court may proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.

§33–2603.

One–half of each fine imposed in the county shall be distributed as provided under § 7–507 of the Courts Article.

§33–2701.

(a) The following sections of Title 6, Subtitle 3 ("Prohibited Acts") of Division I of this article apply in the county without exception or variation:

(1) § 6–305 ("Proof of age for sale of alcoholic beverages");

(2) § 6–306 ("Defense to prosecution for sale to underage individual");

(3) § 6–307 ("Selling or providing alcoholic beverages to intoxicated individual");

(4) § 6–308 ("Allowing on–premises consumption of alcoholic beverages not purchased from license holder");

(5) § 6–309 ("Allowing on–premises consumption or possession of alcoholic beverages by individual under the age of 21 years");

(6) § 6–310 ("Providing free food");

(7) § 6–311 ("Restrictions on purchases and sales by retail dealer");

(8) § 6–312 ("Beverage misrepresentation");

(9) § 6–313 ("Tampering with alcoholic beverage container");

(10) § 6–314 ("Sale of alcoholic beverage container with detachable metal tab");

(11) § 6–315 ("Alcoholic beverage in container without regular label presumed illicit");

(12) § 6–316 ("Maximum alcohol content");

(13) § 6–317 ("Multiple serving purchase required");

(14) § 6–319 ("On–premises consumption of alcoholic beverages not purchased from license holder");

(15) § 6–320 ("Disorderly intoxication");

(16) § 6–321 ("Consumption of alcoholic beverages in public");

(17) § 6–323 ("Possession or use of Alcohol Without Liquid machine");

(18) § 6–326 ("Sale of alcoholic beverages in powder or crystalline form prohibited");

(19) § 6–327 ("Unlicensed out–of–state sale of alcoholic beverages");

(20) § 6–328 ("Tax evasion");

(21) § 6–329 ("Destruction of evidence"); and

(22) § 6–330 ("Perjury").

(b) Section 6–322 ("Possession of open container") of Division I of this article does not apply in the county.

(c) Section 6–304 ("Selling or providing alcoholic beverages to individual under the age of 21 years") of Division I of this article applies in the county, subject to § 33–2702 of this subtitle.

§33–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article may be proceeded against on a charging document issued by the District Court for the county or by an indictment returned by the grand jury of the county.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years.

§33–2703.

(a) Except as provided in subsection (b) of this section, a license holder may not allow an individual who is not a consumer to loiter on the premises for which the license is issued.

(b) A restaurant may serve a meal without an alcoholic beverage to an individual.

§33–2801.

Section 6–402 ("General penalty") of Division I of this article applies in the county.

§33–2802.

(a) The Board may suspend a license or impose a fine not exceeding $4,000 or both for a violation of the alcoholic beverage laws affecting the county.

(b) Fines collected under this section shall be paid into the general fund of the county.

§36–101.

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

(b) "Academic research representative" means an individual who is:

(1) an employee or agent of an institution of higher education, a related medical facility, or an affiliated biomedical research firm that filed a registration with the Administration under § 36–701 of this title; and

(2) authorized to purchase medical cannabis for the institution of higher education, related medical facility, or affiliated biomedical research firm.

(c) "Administration" means the Maryland Cannabis Administration established under this title.

(c–1) "Cannabinoid beverage" means a beverage intended for human consumption by oral ingestion that:

(1) is suitable for beverage purposes;

(2) contains 5 milligrams or less of tetrahydrocannabinol, as defined in § 36–1102 of this title, per serving;

(3) is contained as a single–serving product;

(4) is lawfully produced by a cannabis licensee; and

(5) complies with:

(i) the laboratory testing standards established under § 36–203 of this title; and

(ii) the packaging and labeling standards established under §§ 36–203 and 36–203.1 of this title.

(d) "Cannabis agent" means an employee, a volunteer, or any other authorized person who acts for or at the direction of a cannabis licensee or cannabis registrant.

(e) "Cannabis business" means a business licensed or registered by the Administration to operate in the cannabis industry.

(f) "Cannabis concentrate" means a product derived from cannabis that is kief, hashish, bubble hash, oil, wax, or any other product produced by extracting cannabinoids from the plant through the use of solvents, carbon dioxide, or heat, screens, presses, or steam distillation.

(g) "Cannabis–infused product" means oil, wax, ointment, salve, tincture, capsule, suppository, dermal patch, cartridge, or any other product containing cannabis concentrate or usable cannabis that has been processed so that the dried leaves and flowers are integrated into other material.

(h) "Cannabis licensee" means a business licensed by the Administration to operate in the cannabis industry.

(h–1) "Cannabis nursery" means a business that provides cannabis seeds, seedlings, immature plants, or clones to a cannabis business.

(i) "Cannabis products" means products that are composed of cannabis, cannabis concentrate, cannabis extract, or other ingredients and are intended for use or consumption, including cannabinoid beverages, edible products, oils, and tinctures.

(j) "Cannabis registrant" means an independent testing laboratory, a transporter, a security guard company, a waste disposal company, a cannabis nursery, and any other type of cannabis business registered under this title and authorized by the Administration.

(k) (1) "Canopy" means the total square footage of space used by a cannabis licensee for the production of flowering cannabis plants.

(2) "Canopy" includes each layer of flowering cannabis plants grown on any rack or shelving.

(3) "Canopy" does not include square footage used for:

(i) mother stock;

(ii) propagation;

(iii) immature or nonflowering plants;

(iv) processing;

(v) drying;

(vi) curing;

(vii) trimming;

(viii) storage;

(ix) offices;

(x) hallways;

(xi) pathways;

(xii) work areas; or

(xiii) other administrative and nonproduction uses.

(l) (1) "Caregiver" means:

(i) an individual who has agreed to assist with a qualifying patient's medical use of cannabis; and

(ii) for a qualifying patient under the age of 18 years:

1. a parent or legal guardian; and

2. not more than two additional adults designated by the parent or legal guardian.

(2) "Caregiver" does not include any designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7–446 of the Education Article.

(m) "Certifying provider" means an individual who:

(1) (i) 1. has an active, unrestricted license to practice medicine that was issued by the State Board of Physicians under Title 14 of the Health Occupations Article; and

2. is in good standing with the State Board of Physicians;

(ii) 1. has an active, unrestricted license to practice dentistry that was issued by the State Board of Dental Examiners under Title 4 of the Health Occupations Article; and

2. is in good standing with the State Board of Dental Examiners;

(iii) 1. has an active, unrestricted license to practice podiatry that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the Health Occupations Article; and

2. is in good standing with the State Board of Podiatric Medical Examiners;

(iv) 1. has an active, unrestricted license to practice registered nursing and has an active, unrestricted certification to practice as a nurse practitioner or a nurse midwife that was issued by the State Board of Nursing under Title 8 of the Health Occupations Article; and

2. is in good standing with the State Board of Nursing; or

(v) 1. has an active, unrestricted license to practice as a physician assistant issued by the State Board of Physicians under Title 15 of the Health Occupations Article;

2. has an active collaboration agreement with a patient care team physician who is a certifying provider; and

3. is in good standing with the State Board of Physicians;

(2) has a State controlled dangerous substances registration; and

(3) is registered with the Administration to make cannabis available to patients for medical use in accordance with regulations adopted by the Administration.

(n) "Consumer" means an individual at least 21 years old who purchases cannabis or cannabis products for personal use by individuals at least 21 years old.

(o) (1) "Control" means:

(i) the decision–making authority over the management, operations, or policies that guide a business; or

(ii) authority over the operation of the technical aspects of a business.

(2) "Control" includes:

(i) holding a right to veto significant events;

(ii) the right or authority to make or veto decisions regarding operations and strategic planning, capital allocations, acquisitions, and divestments;

(iii) the right or authority to appoint or remove directors, corporate–level officers, or their equivalent;

(iv) the right or authority to make major marketing, production, and financial decisions; and

(v) the right or authority to execute exclusive contracts or significant contracts in the aggregate of $10,000 or greater on behalf of the licensee.

(p) "Delivery service" means a cannabis licensee authorized to deliver cannabis in accordance with a micro license to operate a dispensary.

(q) "Dispensary" means an entity licensed under this title that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis or cannabis products, including tinctures, aerosols, oils, and ointments, related supplies,

and educational materials for use by qualifying patients, caregivers, or consumers through a storefront or through a delivery service, based on license type.

(r) "Disproportionately impacted area" means a geographic area identified by the Office of Social Equity that has had above 150% of the State's 10–year average for cannabis possession charges.

(s) (1) "Edible cannabis product" means a cannabis product intended for human consumption by oral ingestion, in whole or in part.

(2) "Edible cannabis product" includes a cannabis product that dissolves or disintegrates in the mouth.

(3) "Edible cannabis product" does not include any:

(i) cannabis concentrate;

(ii) cannabis–infused product, including an oil, a wax, an ointment, a salve, a tincture, a capsule, a suppository, a dermal patch, or a cartridge; or

(iii) other dosage form that is recognized by the United States Pharmacopeia, the National Formulary, or the U.S. Food and Drug Administration and is approved by the Administration.

(t) "Grower" means an entity licensed under this title that:

(1) cultivates or packages cannabis; and

(2) is authorized by the Administration to provide cannabis to other cannabis licensees and registered independent testing laboratories.

(u) "Incubator space" means a facility operated in accordance with § 36–401(c)(3) of this title.

(v) "Independent testing laboratory" means a facility, an entity, or a site that is registered with the Administration to perform tests related to the inspection and testing of cannabis and products containing cannabis.

(w) "Institution of higher education" has the meaning stated in § 10–101 of the Education Article.

(x) "Micro license" means a license issued in accordance with § 36–401(c)(2) of this title.

(y) "On–site consumption establishment" means an entity licensed under § 36–401(c)(4) of this title to distribute cannabis or cannabis products for on–site consumption other than consumption by smoking indoors.

(z) "Owner" means a person with an ownership interest in a cannabis licensee.

(aa) "Ownership interest" means a direct or indirect equity interest in a cannabis licensee, including in its profits, revenues, shares, or stock.

(bb) "Passive investor" means an individual or an entity that:

(1) holds an aggregate ownership interest of less than 5% in a cannabis licensee; and

(2) does not have control of the cannabis licensee.

(cc) "Principal officer" means a board member, a president, a vice president, a secretary, a treasurer, a partner, an officer, or a managing member, or any other individual with a profit sharing, financial interest, or revenue sharing arrangement, including an individual with the authority to control a cannabis licensee.

(dd) "Processor" means an entity licensed under this title that:

(1) transforms cannabis into another product or an extract and packages and labels the cannabis product; and

(2) is authorized by the Administration to provide cannabis to cannabis licensees and registered independent testing laboratories.

(ee) "Qualifying patient" means an individual who:

(1) has been provided with a written certification by a certifying provider in accordance with a bona fide provider–patient relationship; and

(2) if under the age of 18 years, has a caregiver.

(ee–1) (1) "Single–serving product" means an edible cannabis product that:

(i) is individually packaged for retail sale;

(ii) does not exceed the serving limits established by the regulations of the Administration; and

(iii) is intended for immediate consumption.

(2) "Single–serving product" includes a cannabinoid beverage.

(ff) "Social equity applicant" means an applicant for a cannabis license or cannabis registration that:

(1) has at least 65% ownership and control held by one or more individuals who:

(i) have lived in a disproportionately impacted area for at least 5 of the 10 years immediately preceding the submission of the application;

(ii) attended a public school in a disproportionately impacted area for at least 5 years; or

(iii) for at least 2 years, attended a 4–year institution of higher education in the State where at least 40% of the individuals who attend the institution of higher education are eligible for a Pell Grant; or

(2) meets any other criteria established by the Administration.

(gg) (1) "Social equity licensee" means a social equity applicant who has been awarded a cannabis license or cannabis registration.

(2) "Social equity licensee" includes a grower, processor, or dispensary that:

(i) held a Stage One Preapproval for a license before October 1, 2022; and

(ii) was not operational before October 1, 2022.

(hh) "Standard license" means a license issued in accordance with § 36–401(c)(1) of this title.

(ii) "Transporter" means an entity registered under this title to transport cannabis between cannabis licensees and registered independent testing laboratories.

(jj) (1) "Usable cannabis" means the dried leaves and flowers of the cannabis plant.

(2) "Usable cannabis" does not include seedlings, seeds, stems, stalks, or roots of the plant or the weight of any noncannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration.

(kk) "Written certification" means a certification that:

(1) is issued by a certifying provider to a qualifying patient with whom the provider has a bona fide provider–patient relationship;

(2) includes a written statement certifying that, in the certifying provider's professional opinion, after having completed an assessment of the patient's medical history and current medical condition, the patient has a condition:

(i) that meets the inclusion criteria and does not meet the exclusion criteria of the certifying provider's application; and

(ii) for which the potential benefits of the medical use of cannabis would likely outweigh the health risks for the patient; and

(3) may include a written statement certifying that, in the certifying provider's professional opinion, a 30–day supply of medical cannabis would be inadequate to meet the medical needs of the qualifying patient.

§36–201.

(a) There is a Maryland Cannabis Administration established as an independent unit of State government.

(b) (1) There is a Director of the Administration.

(2) The Governor shall appoint the Director of the Administration with the advice and consent of the Senate.

(3) The Director serves at the pleasure of the Governor.

(c) The Director must have the training and experience, including knowledge of the State cannabis industry and regulatory system, that is needed to direct the work of the Administration.

(d) The Administration may employ staff and retain contractors as provided in the State budget.

(e) The Administration:

(1) shall be responsible for carrying out the requirements and duties established under this title; and

(2) may recommend changes to improve the administration of this title relating to the regulation of cannabis.

(f) The Administration shall administer and enforce this title.

§36–202.

(a) The Administration shall:

(1) develop and maintain a seed–to–sale tracking system that tracks cannabis from either the seed or immature plant stage until the cannabis is sold to a patient, caregiver, or consumer;

(2) conduct financial and criminal background investigations of any person who submits an application for a cannabis license or a cannabis licensee, as required under this title;

(3) develop a process for consumers and qualifying patients to purchase clones and seeds, seedlings, stalks, roots, and stems of the cannabis plant for cultivation in accordance with § 5–601.2 of the Criminal Law Article;

(4) solicit, evaluate, and issue or deny applications for cannabis licenses and cannabis registrations, including:

(i) licenses to operate a cannabis business in accordance with this title; and

(ii) registration for independent testing laboratories, transporters, security guard companies, waste disposal companies, and cannabis nurseries;

(5) award or deny:

(i) a license to operate a cannabis business in accordance with this title; and

(ii) registration to independent testing laboratories, transporters, security guard companies, waste disposal companies, cannabis nurseries, and any other type of cannabis business authorized by the Administration;

(6) conduct announced and unannounced inspections of any business licensed or registered under this title to ensure compliance with this title;

(7) after a determination that a violation of this title or a regulation adopted under this title has occurred, suspend, fine, restrict, or revoke cannabis licenses and cannabis registrations, whether active, expired, or surrendered, or impose any other penalty authorized by this title or any regulation adopted under this title;

(8) (i) give notice and hold a hearing in accordance with Title 10, Subtitle 2 of the State Government Article, for any:

1. contested cannabis license or registration denial; or

2. violation of this title or any regulation adopted under this title;

(ii) administer oaths in a proceeding under this section; and

(iii) subject to subsection (b)(3) of this section, allow the person against whom the action is contemplated to be represented at the hearing by counsel;

(9) adopt regulations necessary to carry out its duties under this title; and

(10) perform any other power authorized or duty required under this title or any other provision of State law.

(b) The Administration may:

(1) issue a subpoena for the attendance of a witness to testify or the production of evidence in connection with:

(i) any disciplinary action under this title; or

(ii) any investigation or proceeding initiated for an alleged violation of this title;

(2) delegate the hearing authority authorized under subsection (a)(8) of this section to an employee within the Administration;

(3) if, after due notice, the person against whom a disciplinary action is contemplated does not appear at a hearing, hear and determine the matter; and

(4) after a hearing under this subsection, fine a cannabis licensee or suspend, restrict, or revoke a cannabis license or a cannabis registration for a violation of:

(i) this title or a regulation adopted under this title; or

(ii) any other State law or regulation related to cannabis or the operations of a cannabis business or registrant.

§36–203.

(a) The Administration shall:

(1) evaluate the regulations adopted by the Natalie M. LaPrade Medical Cannabis Commission in Title 10, Subtitle 62 of the Code of Maryland Regulations; and

(2) on or before July 1, 2023, adopt emergency regulations to:

(i) carry out the licensure requirements specified under this title;

(ii) implement procedures related to cannabis applications, licenses, and registrations in accordance with this title;

(iii) assist the Comptroller in the collection of taxes imposed on the sale of adult–use cannabis under § 11–104(k) of the Tax – General Article;

(iv) implement inventory management and tracking that does not differentiate between adult–use or medical cannabis or cannabis products before the point of sale, except for products allowed by the Administration for sale only to patients and caregivers; and

(v) establish operating requirements for cannabis licensees or cannabis registrants, including requirements for:

1. security, including lighting, physical security, video, and alarm requirements;

2. safe and secure delivery, transport, and storage of cannabis;

3. preventing the sale or diversion of cannabis and cannabis products to persons under the age of 21 years; and

4. health and safety standards governing the cultivation, manufacture, testing, and dispensing of cannabis or cannabis products.

(b) The emergency regulations that the Administration is required to adopt under subsection (a) of this section shall:

(1) be supplemental to the medical cannabis regulations under Title 10, Subtitle 62 of the Code of Maryland Regulations; and

(2) notwithstanding any other law, remain in effect until the taking effect of nonemergency regulations adopted under subsection (c) of this section.

(c) (1) On or before July 1, 2024, the Administration shall adopt nonemergency regulations to carry out this title.

(2) To the extent practicable, the Administration shall adopt regulations requiring cannabis licensees to transition from a cash system and to use traditional banking services.

(3) The Administration shall adopt regulations:

(i) governing Internet sales of cannabis;

(ii) implementing and supplementing packaging and labeling requirements for cannabis products under § 36–203.1 of this subtitle;

(iii) establishing procedures for the use of point of sale technologies by dispensaries for all transactions in order to verify a consumer's age using a driver's license or other valid identification issued by a governmental unit specified by the Administration; and

(iv) establishing health, safety, security, and tracking requirements for the packaging and repackaging of cannabis by a dispensary in accordance with § 36–203.1 of this subtitle.

(d) The regulations adopted by the Administration under this section shall, to the extent practicable, regulate medical and adult–use cannabis in the same manner.

§36–203.1.

(a) The Administration shall adopt regulations establishing limits on the maximum potency of cannabis products sold in the State, including limits on the

maximum amount of THC in individual cannabis products and limits on the maximum aggregate THC amount for multiple edible cannabis products packaged together.

(b) A package of cannabis for distribution to a consumer or qualifying patient shall:

(1) conform to:

(i) child–resistant packaging requirements established under 16 C.F.R. § 1700.15(b)(1); and

(ii) tamper–evident packaging;

(2) provide that packaging and labeling shall include:

(i) a finished product lot number and expiration date if applicable;

(ii) a statement:

1. that consumption of cannabis may impair your ability to drive a car or operate machinery, use extreme caution;

2. of potential risks associated with cannabis use, especially during pregnancy or breast feeding; and

3. that this package contains cannabis, keep out of the reach of children and animals;

(iii) the name, address, and phone number of the dispensary that sold the product to report an adverse event;

(iv) any allergen warning required by law;

(v) a listing of noncannabis ingredients; and

(vi) an itemization, including weight:

1. of all cannabinoid and terpene ingredients specified for the product; and

2. concentrations of any cannabinoid of less than 1% printed with a leading zero before the decimal point.

(c) Cannabis labeling and packaging may not include:

(1) subject to subsection (d) of this section, any image that may appeal to children including:

(i) images of food, candy, baked goods, cereal, fruit, and beverages; and

(ii) a resemblance to the trademarked characteristic product–specialized packaging of any commercially available candy, snack, baked good, cereal, or beverage;

(2) any image that is designed or likely to appeal to minors, including cartoons, toys, animals, children, or any likeness to images, characters, or phrases that are popularly used to advertise to children;

(3) a statement, artwork, or design that could reasonably mislead any individual to believe that the packaging contains anything other than a finished cannabis product; and

(4) any image of a seal, flag, crest, coat of arms, or other insignia that could reasonably mislead any individual to believe that the product has been endorsed, manufactured, or used by any agency of a state or political subdivision.

(d) The Administration may adopt regulations to allow the sale, on or before July 1, 2024, of cannabis or cannabis products that are labeled or packaged using images described under subsection (c)(1) of this section.

§36–204.

(a) (1) Subject to paragraph (2) of this subsection, the Administration shall establish and maintain a State cannabis testing laboratory.

(2) (i) On or before July 1, 2023, the Maryland Department of Agriculture or the Maryland Department of Health may enter into a memorandum of understanding with the Administration to test cannabis at an existing State–owned laboratory if doing so would be a more economic and efficient alternative to the establishment of a testing laboratory under paragraph (1) of this subsection.

(ii) If the Maryland Department of Agriculture or the Maryland Department of Health and the Administration determine that co–locating cannabis testing at an existing State–owned laboratory is not operationally feasible,

sufficient funding shall be provided in the annual budget to comply with paragraph (1) of this subsection.

(b) The State cannabis testing laboratory is responsible for:

(1) developing and maintaining a cannabis laboratory reference library that contains cannabis testing methodologies in the areas of:

(i) potency;

(ii) homogeneity;

(iii) detection and quantitation of contaminants; and

(iv) solvents;

(2) establishing standard operating procedures for sample collection, preparation, and analysis of cannabis by independent testing laboratories;

(3) conducting proficiency testing of independent testing laboratories;

(4) remediating problems with independent testing laboratories;

(5) conducting compliance testing on cannabis samples analyzed by independent testing laboratories; and

(6) identifying and detecting the presence and purity of cannabis, alcohol, and tobacco in samples or seized contraband in support of the regulatory authority of the Administration.

(c) Independent testing laboratories licensed under § 36–408 of this title shall provide materials for the cannabis laboratory reference library.

(d) The State cannabis testing laboratory shall hold medical and adult–use cannabis testing to the same standards.

§36–205.

(a) The Administration may impose registration and other fees to defray the costs of:

(1) the operations of the Administration and the Commission; and

(2) administering and enforcing this title.

(b) If fees are imposed under subsection (a) of this section, the Administration shall deposit the fees collected in the Cannabis Regulation and Enforcement Fund established under § 36–206 of this subtitle.

§36–206.

(a) In this section, "Fund" means the Cannabis Regulation and Enforcement Fund.

(b) There is a Cannabis Regulation and Enforcement Fund.

(c) The purpose of the Fund is to provide funds to cover the costs of:

(1) the operation of the Administration;

(2) administering and enforcing this title; and

(3) supporting the Social Equity Partnership Grant Program established under § 1–323 of this article.

(d) The Administration shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) fees distributed to the Fund under § 36–205 of this subtitle;

(2) revenue distributed to the Fund under § 2–1302.2 of the Tax – General Article;

(3) interest earnings of the Fund; and

(4) any other money from any other source accepted for the benefit of the Fund, in accordance with any conditions adopted by the Commission for the acceptance of donations or gifts to the Fund.

(g) The Fund may be used for carrying out this title and supporting the Social Equity Partnership Grant Program established under § 1–323 of this article.

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(i) The Fund is subject to audit by the Office of Legislative Audits as provided for in § 2–1220 of the State Government Article.

(j) (1) On or before March 15 each year, the Administration shall publish on its website a detailed report on revenue distributed to and expenditures from the Fund.

(2) The report shall also be submitted to the General Assembly in accordance with § 2–1257 of the State Government Article.

§36–301.

(a) The Administration shall register as a certifying provider an individual who:

(1) meets the requirements of this subtitle; and

(2) submits the required application to the Administration.

(b) To be registered as a certifying provider, a provider shall submit an application to the Administration that includes:

(1) the reasons for including a patient under the care of the provider for the purposes of this subtitle, including the patient's qualifying medical conditions;

(2) an attestation that a standard patient evaluation will be completed, including a history, a physical examination, a review of symptoms, and other relevant medical information; and

(3) the provider's plan for the ongoing assessment and follow–up care of a patient and for collecting and analyzing data.

(c) The Administration is encouraged to approve provider applications for the following:

(1) a chronic or debilitating disease or medical condition that results in a patient being admitted into hospice or receiving palliative care;

(2) a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces:

(i) cachexia, anorexia, or wasting syndrome;

(ii) severe or chronic pain;

(iii) severe nausea;

(iv) seizures; or

(v) severe or persistent muscle spasms;

(3) glaucoma; or

(4) post–traumatic stress disorder.

(d) The Administration may not limit treatment of a particular medical condition to one class of providers.

(e) The Administration may approve applications that include any other condition that is severe and for which other medical treatments have been ineffective if the symptoms reasonably can be expected to be relieved by the medical use of cannabis.

(f) A certifying provider or the spouse of a certifying provider may not:

(1) receive any gift from a cannabis licensee;

(2) hold an ownership interest in a cannabis licensee or a business that controls a cannabis licensee; or

(3) receive any compensation from a cannabis licensee.

(g) A certifying provider shall issue each written certification in the form required by the Administration.

(h) A certifying provider may discuss medical cannabis with a patient.

(i) (1) A certifying provider registration is valid for 2 years.

(2) The Administration shall grant or deny a renewal of a registration based on the provider's performance in complying with regulations adopted by the Administration.

§36–302.

(a) A qualifying patient or caregiver may obtain medical cannabis from a dispensary licensed by the Administration.

(b) (1) A qualifying patient who is at least 21 years old may not cultivate more than four cannabis plants.

(2) If two or more qualifying patients who are at least 21 years old reside at the same residence, not more than four cannabis plants may be cultivated at that residence.

(3) Except as provided in paragraphs (1) and (2) of this subsection, a qualifying patient shall comply with the cannabis cultivation requirements established under § 5–601.2 of the Criminal Law Article.

(c) A qualifying patient under the age of 18 years may obtain medical cannabis only through:

(1) the qualifying patient's caregiver; or

(2) any designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7–446 of the Education Article.

(d) A caregiver may serve not more than five qualifying patients at any time.

(e) (1) Except as provided in paragraph (2) of this subsection, a qualifying patient may have not more than two caregivers.

(2) A qualifying patient under the age of 18 years may have not more than four caregivers.

(f) A sale of cannabis or cannabis products to a qualifying patient is not subject to taxes imposed on the sale of cannabis or cannabis products under § 11–104(k) of the Tax – General Article.

(g) A qualifying patient may not possess more than the amount of cannabis or cannabis–infused product that is authorized in the written certification of the patient.

(h) Designated school personnel described in subsection (c)(2) of this section:

(1) may administer to a student only medical cannabis:

(i) that is obtained through the student's caregiver; and

(ii) in accordance with dosing, timing, and delivery route instructions as provided by the certifying provider's written instructions; and

(2) are not required to register with the Administration under this subtitle.

(i) A caregiver may administer medical cannabis to a student who is a qualifying patient of the caregiver on school property, during school–sponsored activities, and while on a school bus.

§36–401.

(a) (1) A person must obtain a cannabis license issued by the Administration to operate a cannabis business.

(2) A cannabis license issued under this subtitle:

(i) authorizes the holder of the license to operate a medical and adult–use cannabis business;

(ii) is valid for 5 years on initial licensure and 5 years on renewal; and

(iii) may be transferred only in accordance with Subtitle 5 of this title.

(b) (1) The Administration shall:

(i) issue standard licenses, micro licenses, incubator space licenses, and on–site consumption licenses in accordance with this title;

(ii) on or before July 1, 2023, convert licenses that were issued to medical cannabis growers, processors, and dispensaries, including those

businesses preapproved for licensure, to licenses to operate a medical and adult–use cannabis business if:

1. a conversion fee is paid in accordance with § 36–403 of this subtitle; and

2. the business complies with the ownership restrictions under subsection (e) of this section;

(iii) set production, processing, sales, and other limitations and requirements for all license types;

(iv) issue dispensary licenses in a manner that encourages a balanced geographic distribution based on population and market demand within a specific county, as well as cross–jurisdictional market demand; and

(v) adopt regulations requiring licensees whose licenses were converted by the Administration under item (ii) of this paragraph to reserve a specified amount of cannabis for social equity licensees.

(2) The Administration may:

(i) inspect a cannabis licensee to ensure compliance with this title and the regulations adopted under this title;

(ii) revoke a cannabis license if good faith efforts have not been made by the cannabis licensee to establish a cannabis business within 18 months after the license was awarded;

(iii) impose penalties or rescind the license of a cannabis licensee that does not meet the standards for licensure established under this title or regulations adopted under this title; and

(iv) conditionally award cannabis licenses.

(c) (1) A standard license authorizes the holder of the license:

(i) for growers, to operate more than 10,000 square feet, but not more than 300,000 square feet, of indoor canopy or its equivalent, as calculated by the Administration;

(ii) for processors, to process more than 2,000 pounds of cannabis per year, as calculated by the Administration; and

(iii) for dispensaries, to operate a store at a physical location that sells cannabis or cannabis products.

(2) A micro license authorizes the holder of the license:

(i) for growers, to operate not more than 10,000 square feet of indoor canopy or its equivalent, as calculated by the Administration;

(ii) for processors, to process not more than 2,000 pounds of cannabis per year, as calculated by the Administration; and

(iii) for dispensaries, to operate a delivery service that sells cannabis or cannabis products without a physical storefront, provided that the licensee employs not more than 10 employees.

(3) An incubator space license authorizes the holder of the license to operate a facility within which a micro licensee may operate in accordance with § 36–406 of this subtitle.

(4) An on–site consumption license authorizes the holder of the license to operate a facility on the premises of which individuals can smoke outdoors, vape, or consume cannabis in accordance with § 36–407 of this subtitle.

(d) The Administration may not issue more than the following number of licenses per type, including licenses converted under subsection (b)(1)(ii) of this section:

(1) for standard licenses:

(i) 75 grower licenses;

(ii) 100 processor licenses; and

(iii) 300 dispensary licenses;

(2) for micro licenses:

(i) 100 grower licenses;

(ii) 100 processor licenses; and

(iii) 10 dispensary licenses;

(3) for incubator space licenses, 10 licenses; and

(4) for on–site consumption licenses, 50 licenses.

(e) (1) This subsection applies to all licenses, including licenses converted under subsection (b)(1)(ii) of this section.

(2) Subject to paragraph (3) of this subsection, a person may have an ownership interest in or control of, including the power to manage and operate:

(i) for standard licenses and micro licenses:

1. one grower licensee;

2. one processor licensee; and

3. not more than four dispensary licensees;

(ii) for incubator space licenses, not more than two licensees; and

(iii) for on–site consumption licenses, not more than two licensees.

(3) (i) A person who owns or controls an incubator space licensee or an on–site consumption licensee may not own or control any cannabis licensee listed under paragraph (2)(i) of this subsection.

(ii) The Administration shall adopt regulations limiting a person or fund from acquiring a nonmajority ownership interest in multiple cannabis businesses beyond the limitations established under this subsection.

(4) The restrictions in paragraph (2) of this subsection do not apply to a person or an entity who holds an ownership interest only as a passive investor.

(f) (1) The holder of a cannabis license may not surrender the license and apply for a new license in the same or a similar category.

(2) The limitation under paragraph (1) of this subsection applies to:

(i) affiliates, holding companies, parent companies, or other related entities;

(ii) individuals and firms with identical or substantially identical business or economic interests;

(iii) persons with common investments; and

(iv) firms that are economically dependent on each other through contractual or other relationships.

(g) Notwithstanding any provisions of this title, the holder of a dispensary license issued by the Natalie M. LaPrade Medical Cannabis Commission who converts the license or a registrant with the Natalie M. LaPrade Medical Cannabis Commission may continue to deliver medical cannabis until July 1, 2026.

(h) A license issued under this title:

(1) is not property and does not confer property rights; and

(2) is subject to:

(i) suspension, revocation, and restrictions authorized by law; and

(ii) regulations authorized under this article.

(i) (1) On and after July 1, 2023, the holder of a license issued by the Natalie M. LaPrade Medical Cannabis Commission who does not convert the license:

(i) may not:

1. operate under the license; or

2. renew the license; but

(ii) may continue to hold the license for resale to another person for conversion under this subtitle.

(2) The purchaser of a license sold by a license holder who does not convert a license under paragraph (1) of this subsection is responsible for paying the one–time conversion fee under § 36–403 of this subtitle.

§36–402.

(a) It is the intent of the General Assembly to preserve production availability for new adult–use cannabis cultivation licenses issued under this subtitle.

(b) (1) If the license of a cannabis licensee is converted by the Administration under § 36–401(b)(1)(ii) of this subtitle, the cannabis licensee shall:

(i) if the licensee is a grower, adhere to the expansion limitations specified under paragraph (2) of this subsection; and

(ii) pay the conversion fee required under § 36–403 of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph and subject to subparagraph (iii) of this paragraph, on or before January 1, 2027, an operational business that holds a grower license issued before December 31, 2022, may expand the canopy of its operations as it existed on December 31, 2022, and based on facility square footage of indoor canopy space or its equivalent, as calculated by the Administration in accordance with subsection (d) of this section, only as follows:

1. if the canopy is under 25,000 square feet, to 25,000 square feet or by 20%, whichever is greater;

2. if the canopy is at or above 25,000 square feet, by 20%; or

3. if the cannabis licensee has a square footage expansion that was preapproved before December 31, 2022, the preapproved expansion or 20%, whichever is greater.

(ii) If the Administration and an operational business described under subparagraph (i) of this paragraph are unable to agree as to the square footage of the canopy expansion of the licensee's operations authorized under subparagraph (i) of this paragraph, the square footage of the canopy expansion shall be calculated based on the licensee's average cannabis production in calendar years 2021 and 2022.

(iii) An operational business described under subparagraph (i) of this paragraph may begin to expand its canopy of operations:

1. by not more than 50% of the total square footage authorized under subparagraph (i) or (ii) of this paragraph on or after January 1, 2024; and

2. for the remaining total square footage authorized under subparagraph (i) or (ii) of this paragraph on or after May 1, 2024.

(iv) A grower licensee may not operate an indoor canopy that exceeds 300,000 square feet or its equivalent, as calculated by the Administration in accordance with subsection (d) of this section, if the grower licensee:

1. held a Stage One Preapproval for a license before October 1, 2022; and

2. was not operational before October 1, 2022.

(c) A business that is issued a new cannabis license under § 36–401 of this subtitle may not operate an indoor canopy that exceeds 300,000 square feet for indoor canopies or its equivalent, as calculated by the Administration.

(d) (1) (i) This paragraph applies to all licensed growers.

(ii) A licensed grower shall accurately calculate and report annually to the Administration its flowering cannabis plant canopy area.

(iii) The canopy area is measured in accordance with the definition of "canopy" established under § 36–101 of this title.

(iv) For the purpose of measuring canopy, 1 square foot of indoor canopy is equal to 4 square feet of outdoor canopy.

(v) The maximum amount of space for cannabis production may not exceed the canopy authorized under this section.

(vi) If the amount of square feet of production for a licensed grower exceeds the canopy authorized under this section and § 36–401 of this subtitle, the Administration may:

1. reduce the canopy of the licensed grower by the same percentage as it exceeds the authorized canopy; and

2. seize, destroy, confiscate, or place an administrative hold on any flowering cannabis plants produced in excess of the canopy.

(vii) The Administration shall annually report to the General Assembly, in accordance with § 2–1257 of the State Government Article, the amount of canopy area reported to the Administration by licensed growers under item (ii) of this paragraph.

(2) The maximum amount of canopy for an operational business that holds a license issued before October 1, 2022, shall be calculated based on the

maximum canopy of the licensee as self–reported by the licensee and recorded by the Natalie M. LaPrade Medical Cannabis Commission on or before December 1, 2022.

(e) (1) On or before July 1, 2024, the Administration shall adopt minimum standards for licensed growers to protect the rights of the growers and employees concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.

(2) The standards shall, at a minimum, protect the State's interests by prohibiting a labor organization from engaging in picketing, work stoppages, boycotts, or any other economic interference with the operation of the licensed grower.

(3) As a condition of licensure, the licensed grower shall:

(i) comply with the standards adopted under paragraph (1) of this subsection; and

(ii) negotiate in good faith with employees and any legitimate labor organization recognized by the Administration.

§36–403.

(a) (1) This subsection applies only to a business that holds a cannabis license and was physically and actively engaged in the cultivation or processing of medical cannabis before October 1, 2022.

(2) (i) Subject to subsection (e) of this section and except as provided in subparagraph (ii) of this paragraph:

1. each grower and processor shall pay a one–time conversion fee of 10% of the total gross revenue of the grower or processor in 2022, but not more than $2,000,000; and

2. each dispensary shall pay a one–time conversion fee of 8% of the total gross revenue of the dispensary in 2022, but not more than $2,000,000.

(ii) The amount of the conversion fees in subparagraph (i) of this paragraph may not be less than $100,000.

(3) If a business holds a grower and processor license, the fee shall be based on total gross revenue from both license types.

(b) (1) This subsection applies only to a business that:

(i) held a Stage One Preapproval for a license before October 1, 2022; and

(ii) was not operational before October 1, 2022.

(2) Subject to subsection (e) of this section, a grower or processor shall pay a one–time conversion fee of $50,000.

(3) Subject to subsection (e) of this section, a dispensary shall pay a one–time conversion fee of $25,000.

(c) (1) This subsection applies only to an applicant applying for a cannabis license under § 36–404 of this subtitle.

(2) An applicant for a standard license, an incubator space license, or an on–site consumption license shall pay an application fee of $5,000.

(3) An applicant for a micro license shall pay an application fee of $1,000.

(d) (1) Subject to paragraphs (2) and (3) of this subsection, the Administration shall establish licensing and renewal fees for all cannabis licenses.

(2) Except as provided in paragraph (3) of this subsection, the licensing and renewal fees established under paragraph (1) of this subsection for standard cannabis licensees may not exceed:

(i) for initial license fees, $50,000; and

(ii) for renewal license fees, the lesser of 10% of the standard cannabis licensee's annual gross revenue or $50,000.

(3) The Administration shall reduce licensing and renewal fees by at least 50% for social equity licenses, micro licenses, incubator space licenses, and on–site consumption licenses.

(e) (1) The one–time conversion fees under this section:

(i) may be paid in separate installments; and

(ii) shall be paid in full on or before January 1, 2025.

(2) The amount of any licensing or renewal fee paid by a business for fiscal year 2023 to the Natalie M. LaPrade Medical Cannabis Commission shall be credited against the one–time conversion fee assessed under this section.

(f) All fees collected under this section shall be paid to the Administration.

§36–404.

(a) (1) On or before January 1, 2024, the Administration shall begin issuing first round licenses in accordance with subsection (d) of this section.

(2) On or after May 1, 2024, the Administration shall begin issuing second round licenses in accordance with subsections (e) or (f) of this section.

(3) Subject to paragraphs (1) and (2) of this subsection, the Administration may issue licenses in accordance with subsection (g) of this section.

(b) (1) The Administration shall:

(i) conduct extensive outreach to small, minority, and women business owners and entrepreneurs who may have an interest in applying for a cannabis license before accepting and processing cannabis license applications;

(ii) connect potential social equity applicants with the Office of Social Equity;

(iii) accept and process applications for licenses:

1. in response to a request for applications issued under this section;

2. for a period of 30 calendar days; and

3. beginning on a date that is at least 60 calendar days after the date on which the Administration issued the request for applications;

(iv) award cannabis licenses in at least two separate rounds in accordance with this section; and

(v) reserve a reasonable number of licenses to allow micro licenses to transition to standard licenses, as determined in regulations by the Administration.

(2) The Administration may suspend, fine, restrict, or revoke a cannabis license if it is determined that a cannabis licensee has not complied with statements in the application, including statements about standards of operation or employment practices related to diversity, equity, and inclusion.

(3) The Administration may not:

(i) accept more than one application per license type from an applicant in any round;

(ii) accept more than two applications from an applicant in any round;

(iii) require that an applicant possess or own a property or facility to operate a cannabis business at the time of application;

(iv) regardless of the number of license awards authorized in each round, award more licenses than the total number of licenses authorized under § 36–401(d) of this subtitle; or

(v) conduct a market demand study before the first round licenses are issued.

(4) The Administration may adopt regulations concerning the equity and fairness of the pool of applicants throughout the application process.

(c) To be licensed, an applicant shall submit to the Administration:

(1) an application fee in accordance with § 36–403 of this subtitle; and

(2) an application developed by the Administration under this title.

(d) (1) For the first round, subject to paragraphs (2) and (3) of this subsection, the Administration shall enter each social equity applicant that meets the minimum qualifications established by the Administration into a lottery and issue to social equity applicants not more than:

(i) for standard licenses:

1. 20 grower licenses;

2. 40 processor licenses; and

3. 80 dispensary licenses;

(ii) for micro licenses:

1. 30 grower licenses;

2. 30 processor licenses; and

3. 10 dispensary licenses; and

(iii) 10 incubator space licenses.

(2) The Administration shall determine whether an application meets the minimum qualifications for the lottery on a pass–fail basis, as determined by the Administration, after evaluating:

(i) a detailed operational plan for the safe, secure, and effective cultivation, manufacture, or dispensing of cannabis;

(ii) a business plan demonstrating a likelihood of success and sufficient business ability and experience on the part of the applicant, and providing for appropriate employee working conditions; and

(iii) a detailed diversity plan.

(3) (i) If an applicant seeking social equity status is from out of state, the applicant must submit with the application evidence that the applicant meets the criteria for a social equity applicant established under this title before the Administration may consider the application.

(ii) First round application submissions for all license types are limited to social equity applicants.

(4) (i) On or before January 1, 2024, the Administration shall submit an interim report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the ability of micro dispensary licensees to safely and securely dispense cannabis.

(ii) On or before December 31, 2024, the Administration shall submit a final report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the ability of micro dispensary licensees to safely and securely dispense cannabis.

(e) For the second round of licensing, the Administration shall issue licenses in accordance with subsection (f) or (g) of this section.

(f) (1) Subject to paragraph (2) of this subsection, if the Administration, in consultation with the certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article, the Governor's Office of Small, Minority, and Women Business Affairs, the General Assembly, and the Office of the Attorney General, determines that a disparity study demonstrates a strong basis in evidence of business discrimination against firms owned by minorities and women in the Maryland cannabis market, the Administration shall issue a second round of licenses, applying minimum licensing qualifications and employing remedial measures consistent with constitutional requirements, for not more than:

(i) for standard licenses:

1. 25 grower licenses;

2. 25 processor licenses; and

3. 120 dispensary licenses;

(ii) for micro licenses:

1. 70 grower licenses; and

2. 70 processor licenses; and

(iii) 10 incubator space licenses.

(2) If the Administration, in consultation with the certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article, the Governor's Office of Small, Minority, and Women Business Affairs, the General Assembly, and the Office of the Attorney General, determines that a lottery system employing remedial measures established in accordance with a disparity study can be conducted consistent with constitutional requirements, the Administration shall award licenses under paragraph (1) of this subsection through a lottery process that employs remedial measures.

(g) (1) Subject to paragraphs (2) and (3) of this subsection, if the Administration, in consultation with the certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article, the Governor's Office of Small, Minority, and Women Business Affairs, the General Assembly, and the Office of the Attorney General, determines that a disparity study does not demonstrate a strong basis in evidence of business discrimination against

firms owned by minorities and women in the Maryland cannabis market, the Administration shall enter each applicant that meets the minimum qualifications established by the Administration into a lottery and issue to the applicants not more than:

(i) for standard licenses:

1. 25 grower licenses;

2. 25 processor licenses; and

3. 120 dispensary licenses;

(ii) for micro licenses:

1. 70 grower licenses; and

2. 70 processor licenses; and

(iii) 10 incubator space licenses.

(2) The Administration shall determine whether an application meets the minimum qualifications for a lottery based on a pass–fail basis, as determined by the Administration, after evaluating:

(i) a detailed operational plan for the safe, secure, and effective cultivation, manufacture, or dispensing of cannabis;

(ii) a business plan demonstrating a likelihood of success and sufficient business ability and experience on the part of the applicant, and providing for appropriate employee working conditions; and

(iii) a detailed diversity plan.

(3) Application submissions for micro licenses and on–site consumption licenses under this subsection are limited to social equity applicants.

(h) (1) For cannabis license awards subsequent to the round specified under subsection (f) or (g) of this section, the Administration shall award licenses in accordance with this subsection.

(2) The Administration shall award licenses as needed in accordance with a market demand study.

(3) The Administration may:

(i) limit some or all of the licenses issued under this paragraph to social equity applicants; and

(ii) employ remedial measures, consistent with constitutional requirements, if the Administration, in consultation with the certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article, the Governor's Office of Small, Minority, and Women Business Affairs, the General Assembly, and the Office of the Attorney General, determines that a disparity study demonstrates a strong basis in evidence of business discrimination against firms owned by minorities and women in the Maryland cannabis market.

(i) (1) To the extent practicable and authorized by the U.S. Constitution, a cannabis licensee shall comply with the State's Minority Business Enterprise Program.

(2) The Administration, in consultation with the certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article, the Governor's Office of Small, Minority, and Women Business Affairs, the General Assembly, and the Office of the Attorney General, shall review the disparity study required by Chapter 26 of the Acts of 2022 to evaluate whether application of the State's Minority Business Enterprise Program to cannabis licenses would comply with the City of Richmond v. J.A. Croson Co., 488 U.S. 469, and any subsequent federal or constitutional requirements.

(3) On or before 6 months after the issuance of a cannabis license under § 36–401 of this subtitle, the Governor's Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General and the Office of Social Equity within the Administration and the cannabis licensee, shall establish a clear plan for setting reasonable and appropriate minority business enterprise participation goals and procedures for the procurement of goods and services related to cannabis, including the cultivation, manufacturing, and dispensing of cannabis.

(4) To the extent practicable, the goals and procedures specified in paragraph (3) of this subsection shall be based on the requirements of Title 14, Subtitle 3 of the State Finance and Procurement Article and the regulations implementing that subtitle.

§36–405.

(a) In this section, "unduly burden" includes imposing a zoning requirement or restriction on the use of property by a cannabis licensee that is more restrictive than the requirements established under § 36–410 of this subtitle.

(b) A political subdivision may:

(1) establish reasonable zoning requirements for cannabis businesses; and

(2) decide how to distribute its allocation of revenue under § 2–1302.2 of the Tax – General Article.

(c) A political subdivision may not:

(1) establish zoning or other requirements that unduly burden a cannabis licensee;

(2) impose licensing, operating, or other fees or requirements on a cannabis licensee that are disproportionately greater or more burdensome than those imposed on other businesses with a similar impact on the area where the cannabis licensee is located;

(3) prohibit transportation through or deliveries within the political subdivision by cannabis businesses located in other political subdivisions;

(4) prevent an entity whose license may be converted under § 36–401(b)(1)(ii) of this subtitle and that is in compliance with all relevant medical cannabis regulations from being granted the license conversion; or

(5) negotiate or enter into an agreement with a cannabis licensee or an applicant for a cannabis license requiring that the cannabis licensee or applicant provide money, donations, in–kind contributions, services, or anything of value to the political subdivision.

(d) The use of a facility by a cannabis licensee is not required to be submitted to, or approved by, a county or municipal zoning board, authority, or unit if:

(1) the facility was properly zoned and operating on or before January 1, 2023; or

(2) the cannabis licensee:

(i) held a Stage One Preapproval for a license before October 1, 2022; and

(ii) was not actively engaged in the growing, processing, or dispensing of cannabis before October 1, 2022.

(e) A political subdivision or special taxing district may not impose a tax on cannabis.

§36–406.

(a) The Administration may issue incubator space licenses authorizing a nonprofit entity to operate a licensed premises in which micro licensees may operate a cannabis business.

(b) Subject to subsection (d) of this section, the Maryland Economic Development Corporation, in consultation with the Administration, shall acquire and construct or refurbish at least one facility to operate an incubator space.

(c) After the completion of the construction or refurbishment of a facility acquired under subsection (b) of this section, ownership of the facility shall be transferred to the Department of General Services.

(d) The Department of General Services shall contract with a nonprofit organization to operate a facility under subsection (b) of this section.

(e) An incubator space licensee may purchase equipment to be used by other incubator space licensees in the same incubator space.

(f) The Administration shall adopt regulations to establish a Maryland Incubator Program based on the best practices in other states.

§36–407.

(a) (1) A person shall obtain an on–site consumption license from the Administration before operating a premises where cannabis may be consumed.

(2) The Administration may issue on–site consumption licenses authorizing an entity to operate a licensed premises in which cannabis or cannabis products may be consumed, but not smoked indoors, in accordance with this title and any regulations adopted under this title.

(3) An on–site consumption establishment may operate only if the political subdivision where the business is located has issued a permit or license that expressly allows the operation of the on–site consumption establishment.

(b) Subject to the limitations in § 36–405 of this subtitle, a political subdivision may:

(1) prohibit the operation of on–site consumption establishments;

(2) prohibit or restrict the smoking or vaping of cannabis at on–site consumption establishments;

(3) adopt zoning and planning requirements for on–site consumption establishments; or

(4) establish hours of operation for on–site consumption establishments.

(c) (1) An on–site consumption license authorizes an entity, for the purposes of on–site consumption, to:

(i) distribute cannabis or cannabis products;

(ii) acquire cannabis or cannabis products from a cannabis licensee in accordance with this title;

(iii) repackage cannabis or cannabis products for the purpose of creating single–serving products; and

(iv) process single–serving products.

(2) An on–site consumption license does not authorize the holder of the license to cultivate cannabis.

(d) (1) Subject to paragraph (2) of this subsection, an on–site consumption establishment may also operate as a food service facility, as defined in § 21–301 of the Health – General Article.

(2) Before operating as a food service facility, the on–site consumption establishment shall obtain from the political subdivision in which the on–site consumption establishment is located all necessary approvals for operating a food service facility, including:

(i) building code permits;

(ii) mechanical code permits;

(iii) a use and occupancy certificate; and

(iv) any other applicable permits or licenses.

(e) An on–site consumption establishment shall comply with the following standards when acting in accordance with subsection (c)(1) of this section:

(1) manufacturing standards established under § 36–203 of this title;

(2) laboratory testing standards established under § 36–203 of this title; and

(3) packaging and labeling standards established under §§ 36–203 and 36–203.1 of this title.

(f) The Administration shall:

(1) maintain a list of all on–site consumption establishments in the State; and

(2) make the list available on its website.

(g) An on–site consumption establishment may not:

(1) allow on–duty employees of the business to consume cannabis on the licensed premises;

(2) distribute or allow the distribution of free samples of cannabis on the licensed premises;

(3) allow the consumption of alcohol on the licensed premises;

(4) allow the smoking or vaping of tobacco or tobacco products on the licensed premises;

(5) allow an activity on the licensed premises that would require an additional license under this title, including growing or dispensing;

(6) allow the indoor smoking of cannabis or cannabis products on the licensed premises;

(7) allow the use or consumption of cannabis by a patron who displays any visible signs of intoxication;

(8) admit onto the licensed premises an individual who is under the age of 21 years;

(9) allow an individual to consume cannabis or cannabis products on the premises if the cannabis or cannabis product was not obtained from the on–site consumption establishment;

(10) allow an individual to remove cannabis or cannabis products from the premises of the establishment; or

(11) sell or distribute cannabis or cannabis products to an individual that are intended as more than a single–serving product.

(h) An on–site consumption establishment shall:

(1) require all employees to successfully complete an annual responsible vendor training program authorized under this title; and

(2) ensure that the display and consumption of cannabis or cannabis products are not visible from outside of the licensed premises.

(i) (1) An on–site cannabis establishment shall educate consumers by providing informational materials regarding the safe consumption of cannabis.

(2) The educational materials provided under paragraph (1) of this subsection must be based on the requirements established by the Cannabis Public Health Advisory Council established under § 13–4502 of the Health – General Article.

(j) This section does not prohibit a county or municipality from adopting additional requirements for education on the safe consumption of cannabis on the premises of a licensed on–site consumption establishment.

(k) A person may have an ownership interest in or control of, including the power to manage and operate, two on–site consumption establishments licensed under this section.

§36–408.

(a) (1) The Administration shall register at least one independent testing laboratory to test cannabis and cannabis products that are to be sold in the State.

(2) The Administration shall hold medical and adult–use cannabis testing to the same standards.

(b) To be registered as an independent testing laboratory, a laboratory must:

(1) meet the application requirements established by the Administration;

(2) pay an application fee determined by the Administration; and

(3) meet the standards and requirements for accreditation, inspection, and testing established by the Administration.

(c) (1) An independent testing laboratory license is valid for 2 years on initial licensure.

(2) An independent testing laboratory license is valid for 2 years on renewal.

(d) A registered independent testing laboratory is authorized to test and transport cannabis and cannabis products on behalf of cannabis licensees.

(e) (1) A laboratory agent or an employee of an independent testing laboratory may not receive direct or indirect financial compensation, other than reasonable contractual fees to conduct testing, from any entity for which it is conducting testing under this title.

(2) An individual who possesses an interest in or is a laboratory agent employed by an independent testing laboratory, or an immediate family member of the individual, may not possess an interest in or be employed by a cannabis licensee.

(f) Cannabis and cannabis products may not be sold or otherwise marketed under this title if the cannabis or cannabis product has not been tested by an independent testing laboratory and determined to meet the Administration's testing protocols.

(g) The Administration shall adopt regulations that establish:

(1) the standards and requirements to be met by an independent testing laboratory to obtain a registration;

(2) the standards of care to be followed by an independent testing laboratory; and

(3) the basis and processes for denial, revocation, and suspension of a registration of an independent testing laboratory.

(h) The Administration may inspect an independent testing laboratory registered under this section to ensure compliance with this title and any regulations adopted under this title.

(i) (1) Any registration to operate an independent testing laboratory issued by the Natalie M. LaPrade Medical Cannabis Commission on or before July 1, 2023, shall be valid under this title and shall authorize an independent testing laboratory to perform testing on medical and adult–use cannabis and cannabis products.

(2) The Administration shall convert all independent testing laboratory registrations in accordance with this subsection.

§36–409.

(a) The following businesses shall register with the Administration in order to provide services to a cannabis licensee:

(1) a transporter;

(2) a security guard agency;

(3) a waste disposal company;

(4) a cannabis nursery; and

(5) any other type of cannabis business that is authorized by the Administration to provide plant or product–touching services to cannabis licensees.

(b) The Administration shall adopt regulations that establish:

(1) the standards and requirements to be met by an entity to obtain a registration under this subtitle; and

(2) the basis and processes for approval, denial, revocation, and suspension of the cannabis registration.

(c) A registration to operate a transporter, security guard agency, or waste disposal company issued by the Natalie M. LaPrade Medical Cannabis Commission on or before July 1, 2023, shall be valid under this title and authorize a transporter, security guard agency, or waste disposal company to handle medical and adult–use cannabis and cannabis products.

§36–410.

(a) Beginning July 1, 2023, a cannabis licensee that is operating a dispensary shall:

(1) ensure that it has adequate supply for qualifying patients and caregivers;

(2) set aside operating hours or dedicated service lines to serve only qualifying patients and caregivers; and

(3) as supply becomes available as determined by the Administration, ensure that at least 25% of cannabis and cannabis products in the dispensary are from social equity licensees and growers and processors that do not share common ownership with the dispensary.

(b) Except as provided in subsection (d) of this section, a licensed dispensary may not locate within:

(1) 500 feet of:

(i) a pre–existing primary or secondary school in the State, or a licensed child care center or registered family child care home under Title 9.5 of the Education Article; or

(ii) a pre–existing playground, recreation center, library, public park, or place of worship; or

(2) 1,000 feet of another dispensary under this title.

(c) (1) Except as provided in paragraph (2) of this subsection, a political subdivision may adopt an ordinance reducing, but not increasing, the distance requirements under subsection (b) of this section.

(2) A political subdivision may by ordinance increase the distance limitation for dispensaries under subsection (b)(2) of this section to not more than one–half mile.

(d) The distance requirements under subsection (b) of this section do not apply to a dispensary license that was:

(1) converted under § 36–401(b)(1)(ii) of this subtitle; and

(2) properly zoned and operating before July 1, 2023.

(e) A political subdivision may not adopt an ordinance establishing zoning requirements for licensed dispensaries that are more restrictive than zoning requirements for a retail dealer licensed under this article.

(f) A political subdivision may not adopt an ordinance:

(1) establishing a zoning requirement for a licensed grower cultivating cannabis exclusively outdoors in an area zoned only for agricultural use that is more restrictive than any zoning requirements that existed on June 30, 2023, governing a hemp farm registered under Title 14 of the Agriculture Article in the political subdivision; or

(2) prohibiting outdoor cannabis cultivation on a premises that was properly zoned for outdoor cannabis cultivation on or before June 30, 2023.

(g) A political subdivision may:

(1) by ordinance, establish a distance limitation for dispensaries of up to 100 feet from an area zoned for residential use; or

(2) apply to dispensaries the distance limitation for licensed alcoholic beverage retailers from an area zoned for residential use.

(h) A political subdivision shall grant a waiver to an ordinance that provides a distance requirement for dispensaries under this section for a licensed dispensary that was in operation before April 1, 2024.

(i) A political subdivision that has not adopted an ordinance under subsection (c) of this section before July 1, 2025, is subject to the distance requirements under subsection (b) of this section.

§36–411.

(a) (1) A protest against a license renewal may be filed with the Administration by at least 10 individuals who are:

(i) residents, commercial tenants who are not holders of or applicants for a license, or real estate owners; and

(ii) located within 1,000 feet of the licensed premises.

(2) A protest against a license renewal shall:

(i) be on the basis of:

1. a violation of this title;

2. a violation of civil or criminal law;

3. conduct by a licensee that creates or maintains conditions that allow other individuals to act in a manner that disturbs the public peace, including:

A. obstruction of public rights–of–way by unruly crowds;

B. assault, battery, or other disorderly conduct that disturbs the public peace;

C. vandalism; or

D. littering; or

4. any other violation established by the Administration by regulation; and

(ii) be signed under oath.

(b) (1) Except as provided under paragraph (2) of this subsection, if a protest against a license renewal is filed at least 30 days before the license expires, the Administration may not approve the renewal without holding a hearing.

(2) The Administration may approve a license renewal without a hearing if the Administration finds that the basis of the protest filed against the renewal is without any reasonable ground.

(c) In hearing and making a determination on a protest filed against a license renewal, the Administration:

(1) may consider only:

(i) issues arising out of specific complaints about the operation of the licensed premises; and

(ii) the performance of the license holder for the 4–year period immediately preceding the date of the renewal application; and

(2) may not consider zoning issues.

(d) The Administration may adopt regulations to implement this section.

§36–501.

(a) A cannabis agent must be registered with the Administration before the agent may volunteer or work for a cannabis licensee or cannabis registrant.

(b) A cannabis agent registration is valid for 2 years.

(c) (1) Except as provided in paragraph (2) of this subsection, to register as a cannabis agent with the Administration, an individual must:

(i) be at least 21 years old; and

(ii) if the records are legally accessible, obtain a State and national criminal history records check in accordance with § 36–505 of this subtitle.

(2) A cannabis agent who is employed to provide security services for a cannabis licensee or cannabis registrant as a security guard or by a security guard agency, as defined in § 19–101 of the Business Occupations and Professions Article, is not required to obtain a State or national criminal history records check in accordance with § 36–505 of this subtitle if the cannabis agent is authorized to provide security guard services under Title 19, Subtitle 4 of the Business Occupations and Professions Article.

(d) (1) The Administration may not register as a cannabis agent an individual who does not meet the criteria established under subsection (c) of this section.

(2) The Administration may disqualify an individual from registering as a cannabis agent if the individual has been convicted of or pleaded nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

(e) The Administration may not deny a cannabis agent registration based on any cannabis–related offenses occurring before July 1, 2023.

(f) A cannabis licensee shall require each registered cannabis agent to complete an annual responsible vendor training program authorized under this title.

(g) A registration of a cannabis agent issued by the Natalie M. LaPrade Medical Cannabis Commission on or before July 1, 2023, shall:

(1) be valid under this title; and

(2) authorize the cannabis agent to be employed by or volunteer with a licensed cannabis business.

§36–502.

(a) A person wishing to hold an ownership interest of 5% or greater in, or control of, a cannabis licensee shall submit to the Administration:

(1) an application that includes the name, address, and date of birth of the applicant;

(2) a statement signed by the applicant asserting that the applicant has not previously had a cannabis license or cannabis registration suspended or revoked;

(3) a State and national criminal history records check in accordance with § 36–505 of this subtitle;

(4) any information required by the Administration to complete an investigation into the background of the applicant, including financial records and other information relating to the business affairs of the applicant; and

(5) an application fee in an amount to be determined by the Administration in accordance with this subtitle.

(b) The Administration may deny an application if:

(1) the applicant:

(i) fails to submit the information required under subsection (a) of this section; or

(ii) has been convicted of or pleaded nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; or

(2) the Administration finds a substantial reason to deny the registration.

§36–503.

(a) A cannabis license granted under this title is not transferable except as provided in this section.

(b) To transfer ownership or control of a license issued under this title, a licensee:

(1) shall submit to the Administration:

(i) an application fee in an amount to be determined by the Administration in accordance with this subtitle; and

(ii) an application developed by the Administration; and

(2) must meet the requirements for transfer of ownership or control established by the Administration under this title.

(c) (1) A cannabis licensee, including a cannabis licensee whose license was converted in accordance with § 36–401 of this title, may not transfer ownership or control of the license for a period of at least 5 years following licensure.

(2) The 5–year period specified in paragraph (1) of this subsection does not include the time period that a business is considered by the Administration to be in a preapproved licensure status.

(3) The limitations under this subsection do not apply to:

(i) transfers as a result of the disability, incapacity, or death of the owner of a cannabis license, bankruptcy or receivership in accordance with a lending agreement of a cannabis licensee, or court order; or

(ii) the sale of a cannabis licensee to the licensee's employees through an employee stock ownership plan as defined in § 407(d)(6)(A) of the Employee Retirement Income Security Act of 1974.

(4) The limitations under this subsection do not apply to a transfer of ownership that is the subject of a legally binding settlement agreement resulting from litigation commenced on or before January 1, 2023.

§36–504.

(a) (1) In this section, "owner" includes any type of owner or beneficiary of a business entity, including a principal officer, a director, a principal employee, a partner, an investor, or a beneficial owner of the business entity and, notwithstanding any other provision of this subtitle, a person having any ownership interest regardless of the percentage of ownership interest.

(2) "Owner" does not include a stockholder.

(b) The provisions in this section are in addition to the conflict of interest provisions in Title 5 of the General Provisions Article.

(c) Except as provided in subsection (d) of this section, a constitutional officer or a secretary of a principal department of the Executive Branch of the State government may not:

(1) be an owner or an employee of a business entity that holds a license or registration under this title; or

(2) have an official relationship with a business entity that holds a license or registration under this title.

(d) Subject to the provisions of Title 5 of the General Provisions Article, a constitutional officer or a secretary of a principal department of the Executive Branch of the State government may remain an owner or an employee of a business entity that holds a license under this title if the constitutional officer or secretary was an owner or employee of the business entity before the constitutional officer's election or appointment or the secretary's appointment.

(e) A member of the General Assembly may not:

(1) be an owner or an employee of a business entity that holds a license or registration under this title; or

(2) have an official relationship with a business entity that holds a license or registration under this title.

(f) A former member of the General Assembly, for the 1–year period immediately after the member leaves office, may not:

(1) be an owner or an employee of a business entity that holds a license or registration under this title; or

(2) have an official relationship with a business entity that holds a license or registration under this title.

(g) An employee of the Administration may not:

(1) have a direct or indirect financial, ownership, or management interest, including ownership of any stocks, bonds, or other similar financial instruments, in any cannabis licensee;

(2) have an official relationship with a person who holds a license or registration under this title;

(3) be an elected official of State or local government;

(4) receive or share in, directly or indirectly, the receipts or proceeds of a cannabis licensee; or

(5) have a beneficial interest in a contract for the manufacture or sale of cannabis or the provision of independent consulting services in connection with a cannabis license.

§36–505.

(a) In this section, "Central Repository" means the Criminal Justice Information System Central Repository in the Department of Public Safety and Correctional Services.

(b) As part of an application to the Central Repository for a State and national criminal history records check, an applicant shall submit to the Central Repository:

(1) two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and

(3) the processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) In accordance with §§ 10–201 through 10–228 of the Criminal Procedure Article, the Central Repository shall forward to the Administration and to the applicant the applicant's criminal history record information.

(d) If an applicant has made two or more unsuccessful attempts at securing legible fingerprints, the Administration may accept an alternate method of a criminal history records check as permitted by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.

(e) Information obtained from the Central Repository under this section shall be:

(1) confidential and may not be redisseminated; and

(2) used only for the purpose of registration under this title.

(f) (1) The Administration may issue a temporary cannabis agent registration if:

(i) a pre–employment background check completed by a third–party vendor is submitted to and approved by the Administration; and

(ii) the applicant has submitted an application to the Central Repository, as required in subsection (b) of this section.

(2) The period of a temporary cannabis agent registration issued under paragraph (1) of this subsection may not exceed 90 calendar days.

(g) The subject of a criminal history records check under this section may contest the criminal history record information disseminated by the Central Repository, as provided in § 10–223 of the Criminal Procedure Article.

§36–601.

(a) In this section, "Fund" means the Medical Cannabis Compassionate Use Fund.

(b) There is a Medical Cannabis Compassionate Use Fund.

(c) (1) The Administration shall:

(i) administer the Fund; and

(ii) subject to paragraph (2) of this subsection, establish fees in an amount necessary to provide revenues for the purposes of the Fund.

(2) The Administration may not impose the fees established under paragraph (1)(ii) of this subsection on a licensed medical cannabis grower, processor, or dispensary before the grower, processor, or dispensary is an operational cannabis licensee under this title.

(d) The purpose of the Fund is to provide access to cannabis for individuals enrolled in the Maryland Medical Assistance Program or in the Veterans Affairs Maryland Health Care System, including access to, at a reduced cost:

(1) an assessment of the patient's medical history and current medical condition; and

(2) medical cannabis from a licensed dispensary.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) fees established under subsection (c)(1)(ii) of this section;

(2) fines assessed by the Administration under this title;

(3) money appropriated in the State budget to the Fund;

(4) interest earnings; and

(5) any other money from any other source accepted for the benefit of the Fund.

(g) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(h) The Fund shall be subject to an audit by the Office of Legislative Audits as provided for in § 2–1220 of the State Government Article.

(i) The Comptroller shall pay out money from the Fund as directed by the Administration.

(j) No part of the Fund may revert or be credited to:

(1) the General Fund of the State; or

(2) any other special fund of the State.

(k) Expenditures from the Fund may be made only in accordance with the State budget.

(l) The Administration shall adopt regulations to carry out this section.

§36–701.

(a) (1) An institution of higher education, a related medical facility, or an affiliated biomedical research firm may register with the Administration to purchase cannabis for the purpose of conducting a bona fide research project relating to the uses, properties, or composition of cannabis.

(2) A registration filed under paragraph (1) of this subsection shall include:

(i) the name of the primary researcher;

(ii) the expected duration of the research project; and

(iii) the primary objectives of the research project.

(3) A registration filed under paragraph (1) of this subsection shall remain valid until there is a change in the research project or a withdrawal of the registration.

(b) An academic research representative may purchase cannabis from a licensed dispensary or a supplier of cannabis that is licensed by any federal agency to supply cannabis to researchers.

(c) An academic research representative may not be penalized or arrested under State law for acquiring, possessing, or dispensing cannabis, products containing cannabis, related supplies, or educational materials for use in a bona fide research project relating to the uses, properties, or composition of cannabis.

(d) The Administration may adopt regulations to implement this section.

§36–702.

(a) The Administration may register an entity to grow, process, test, and transfer cannabis for the purposes of research and development as provided in subsection (b) of this section.

(b) A registration issued under subsection (a) of this section authorizes the registrant only to:

(1) test chemical potency and composition levels;

(2) conduct clinical investigations of cannabis–derived medicinal products;

(3) conduct research on the efficacy and safety of administering cannabis as part of medical treatment;

(4) conduct genomic, horticultural, or agricultural research; and

(5) conduct research on cannabis–affiliated products or systems.

(c) To obtain a research and development registration, an applicant shall submit to the Administration:

(1) an application fee in an amount to be determined by the Administration; and

(2) an application developed by the Administration.

(d) An applicant for a research and development registration must meet the registration standards and requirements established by the Administration.

(e) (1) A research and development registration is valid for an initial term of 2 years.

(2) A research and development registration is valid for 2 years on renewal.

(f) A research and development registrant may transfer, by sale or donation, cannabis grown within its operation only to other research and development registrants.

(g) A research and development registrant may contract to perform research in conjunction with a public higher education research institution or another research and development registrant.

§36–801.

(a) On or before August 1 each year, each cannabis licensee and cannabis registrant shall report to the Administration information determined by the Administration to be necessary to continue to assess the need for remedial measures in the cannabis industry and market, including:

(1) the number of minority and women owners of the cannabis licensee or cannabis registrant;

(2) the ownership interest of any minority and women owners of the cannabis licensee or cannabis registrant;

(3) the number of minority and women employees of the cannabis licensee or cannabis registrant;

(4) a list of the cannabis licensee's or cannabis registrant's expenditures for the prior State fiscal year; and

(5) for each expenditure:

(i) a description of the work performed;

(ii) the dollar value of the expenditure;

(iii) whether the work was performed by the cannabis licensee or cannabis registrant or a contractor or subcontractor; and

(iv) if the work was performed by a contractor or subcontractor, the name of the entity that performed the work.

(b) All data provided by a cannabis licensee or cannabis registrant under subsection (a)(4) and (5) of this section:

(1) shall constitute confidential commercial and financial information and be treated as confidential by the Administration and the State; and

(2) may be used only for the purposes authorized under this section and may only be disclosed to the public in an anonymized or aggregated format.

(c) On or before August 15 each year, the Administration shall provide the data collected under subsection (a) of this section to the certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article.

(d) On or before January 1 each year, the Administration shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the information reported under subsection (a)(1) through (3) of this section.

§36–802.

On or before January 1 each year, the Administration shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on:

(1) the amount of cannabis cultivated, processed, and dispensed by standard and micro licenses; and

(2) whether the supply of cannabis is adequate to meet the demand for cannabis and cannabis products.

§36–803.

The Administration shall publish the following data, organized by month, on a rolling basis and on a publicly accessible part of the Administration's website:

(1) the number of patients, caregivers, and providers certified under this title;

(2) the wholesale and retail sales of medical and adult–use cannabis, measured by revenue and volume; and

(3) the median consumer price for cannabis and cannabis products.

§36–901.

(a) In this subtitle, "advertisement" means the publication, dissemination, or circulation of any auditory, visual, digital, oral, or written matter, which is directly or indirectly calculated to induce the sale of cannabis or any cannabis–related product or service.

(b) "Advertisement" does not include packaging or labeling.

§36–902.

An advertisement for cannabis and cannabis products or cannabis–related services that makes therapeutic or medical claims shall:

(1) be supported by competent and reliable scientific evidence; and

(2) include information on the most serious and most common side effects or risks associated with the use of cannabis.

§36–903.

(a) (1) An advertisement for a cannabis licensee, cannabis product, or cannabis–related service may not:

(i) violate Title 13, Subtitle 3 of the Commercial Law Article;

(ii) directly or indirectly target individuals under the age of 21 years;

(iii) contain a design, an illustration, a picture, or a representation that:

1. targets or is attractive to minors, including a cartoon character, a mascot, or any other depiction that is commonly used to market products to minors;

2. displays the use of cannabis, including the consumption, smoking, or vaping of cannabis;

3. encourages or promotes cannabis for use as an intoxicant; or

4. is obscene;

(iv) engage in advertising by means of television, radio, Internet, mobile application, social media, or other electronic communication, event sponsorship, or print publication, unless at least 85% of the audience is reasonably expected to be at least 21 years old as determined by reliable and current audience composition data; or

(v) except as provided in paragraph (2) of this subsection, engage in advertising by means of placing an advertisement on the side of a building or another publicly visible location of any form, including a sign, a poster, a placard, a device, a graphic display, an outdoor billboard, or a freestanding signboard.

(2) A cannabis business may place exterior signage on the premises of the business for the limited purpose of identifying the business to the public.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, each cannabis–related website shall employ a neutral age–screening mechanism that verifies that the user is at least 21 years old, including by using an age–gate, age–screen, or age verification mechanism before the user may access or view any content and before the website may collect the user's address, e–mail address, phone number, or contact information to disseminate advertisements.

(ii) If a website is appropriate for a qualifying patient who is under the age of 21 years, the website shall provide an alternative screening mechanism for the qualifying patient.

(2) An advertisement placed on social media or a mobile application shall include a notification that an individual must be at least 21 years old to view the content.

(3) The provisions of this subtitle applicable to cannabis licensees may not be avoided by hiring or contracting with a third party, or outsourcing advertisements that do not comply with this subtitle.

(4) A cannabis licensee may not allow the use of the licensee's trademarks, brands, names, locations, or other distinguishing characteristics for third–party use for advertisements that do not comply with this subtitle.

(c) The Administration shall adopt regulations to establish procedures for the enforcement of this section.

§36–1001.

(a) To offer a responsible medical or adult–use cannabis vendor, server, and seller training program, a person shall submit an application to the Administration.

(b) The Administration shall approve the application if the proposed training program meets the minimum educational standards established under subsection (c) of this section.

(c) At a minimum, a training program must:

(1) be taught in a classroom or virtual setting for at least a 2–hour period;

(2) establish program standards, including certification and recertification requirements, record keeping, testing and assessment protocols, and effectiveness evaluations; and

(3) provide a core curriculum of relevant statutory and regulatory provisions, which shall include:

(i) information on required licenses, age requirements, patient registry cards issued by the Administration, maintenance of records, privacy issues, and unlawful acts;

(ii) administrative and criminal liability and license and court sanctions;

(iii) statutory and regulatory requirements for employees and owners;

(iv) statutory and regulatory requirements related to cannabis sale, transfer, and delivery;

(v) acceptable forms of identification, including patient and caregiver identification cards;

(vi) State and local licensing and enforcement; and

(vii) information on serving size, THC and cannabinoid potency, and impairment.

§36–1002.

The Administration shall adopt regulations establishing the responsible vendor training program and the minimum standards for the program.

§36–1003.

A provider of an approved training program shall:

(1) maintain its training records at its principal place of business for at least 4 years; and

(2) make the records available for inspection by the Administration.

§36–1101.

(a) A cannabis licensee may not sell, transfer, or deliver cannabis or cannabis products unless the licensee verifies by means of a valid driver's license or other government–issued photo identification containing the bearer's date of birth that:

(1) for adult–use cannabis, the consumer is at least 21 years old; or

(2) for medical cannabis, the patient or caregiver is:

(i) registered with the Administration; and

(ii) at least 18 years old.

(b) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a licensee that sells, transfers, or delivers cannabis or cannabis products in violation of subsection (a) of this section is subject to a civil penalty of:

1. $500 for a first violation;

2. $1,000 for a second violation occurring within 24 months after the first violation; and

3. $5,000 for each subsequent violation occurring within 24 months after the immediately preceding violation.

(ii) A violation of subsection (a) of this section that occurs more than 24 months after the immediately preceding violation shall be treated as a first violation.

(2) The Administration may deny a cannabis license to an applicant, reprimand a cannabis licensee, or suspend or revoke a cannabis license if the applicant or licensee violates subsection (a) of this section two or more times in a 24–month period.

(3) In a hearing for an alleged violation of this section, it is a defense that an agent of the defendant examined the consumer's, patient's, or caregiver's driver's license or other valid identification issued by a governmental unit that positively identified the consumer, patient, or caregiver as meeting the minimum age specified in subsection (a) of this section.

(c) (1) A cannabis licensee may not:

(i) sell, transfer, or deliver cannabis to an individual who is visibly intoxicated;

(ii) offer cannabis or cannabis products as a prize, premium, or consideration for a lottery, contest, game of chance, game of skill, or competition of any kind; or

(iii) conduct direct–to–consumer Internet sales of adult–use cannabis on or before July 1, 2025.

(2) A cannabis licensee that violates paragraph (1) of this subsection is subject to a fine not exceeding $1,000, suspension or revocation of a license, or both.

§36–1102.

(a) (1) In this section the following words have the meanings indicated.

(2) "Hemp" has the meaning stated in § 14–401 of the Agriculture Article.

(3) "Tetrahydrocannabinol" means:

(i) any tetrahydrocannabinol, including delta–8–tetrahydrocannabinol, delta–9–tetrahydrocannabinol, and delta–10–tetrahydrocannabinol, regardless of how derived;

(ii) any other cannabinoid, except cannabidiol that the Administration determines to cause intoxication; and

(iii) any other chemically similar compound, substance, derivative, or isomer of tetrahydrocannabinol, as identified by the Administration.

(4) "Tincture" means a solution that is:

(i) dissolved in alcohol, glycerin, or vegetable oil; and

(ii) distributed in a dropper bottle of 4 ounces or less.

(b) (1) A person may not sell or distribute a product intended for human consumption or inhalation that contains more than 0.5 milligrams of tetrahydrocannabinol per serving or 2.5 milligrams of tetrahydrocannabinol per package unless the person is licensed under § 36–401 of this title and the product complies with the:

(i) manufacturing standards established under § 36–203 of this title;

(ii) laboratory testing standards established under § 36–203 of this title; and

(iii) packaging and labeling standards established under § 36–203 of this title.

(2) A person may not sell or distribute a product described under paragraph (1) of this subsection to an individual under the age of 21 years.

(c) A person may not sell or distribute a cannabinoid product that is not derived from naturally occurring biologically active chemical constituents.

(d) (1) Notwithstanding subsection (b) of this section and subject to paragraph (2) of this subsection, it is not a violation of this section for a person to sell or distribute a hemp–derived tincture intended for human consumption that contains:

(i) a ratio of cannabidiol to tetrahydrocannabinol of at least 15 to 1; and

(ii) 2.5 milligrams or less of tetrahydrocannabinol per serving and 100 milligrams or less of tetrahydrocannabinol per package.

(2) To sell or distribute a hemp–derived tincture under this subsection, a person must provide, as required by the Administration, tincture samples for the purpose of testing to determine chemical potency and composition levels and to detect and quantify contaminants.

(e) A person who violates subsection (b) of this section:

(1) may be charged by a citation; and

(2) is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $5,000.

(f) A person who violates subsection (c) of this section:

(1) may be charged by a citation; and

(2) is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $10,000.

§36–1103.

(a) In this section, "genuine ownership" means an ownership interest in an applicant, a cannabis licensee, or a registrant that is evidenced by record ownership in which the owner, regardless of the amount of capital or assets that the owner contributes to the applicant, licensee, or registrant, enjoys the customary incidents of ownership and shares in the profits and losses of the cannabis license or registration proportionate to the percentage of the owner's interest in the cannabis license or registration.

(b) A person may not apply for or hold a cannabis license or registration under this title if an ownership interest in the license or registration is:

(1) nominal or without the benefits and risks of genuine ownership or control; and

(2) for the limited purpose of satisfying the requirements under this title for cannabis licensees or registrants, including requirements for social equity licensees or registrants.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to a fine of not more than $2,500 or imprisonment for not more than 1 year or both.

(d) Subject to the hearing provisions of § 36–202 of this title, the Administration shall deny an application for a cannabis license or registration or revoke a cannabis license or registration under this title if the applicant, cannabis licensee, or registrant is:

(1) determined by the Administration to be in violation of subsection (b) of this section; or

(2) convicted of violating subsection (b) of this section.

§36–1104.

(a) In this section, "tetrahydrocannabinol" has the meaning stated in § 36–1102 of this subtitle.

(b) A person may not sell or distribute a product containing tetrahydrocannabinol that violates the potency, packaging, or labeling requirements under § 36–203 or § 36–203.1 of this title or any regulations adopted under those sections.

(c) (1) A person may not sell or distribute a product that is advertised as containing an amount of tetrahydrocannabinol that violates § 36–1102 of this subtitle.

(2) Advertising under paragraph (1) of this subsection includes packaging, labeling, or electronic communication.

(d) The Executive Director may seize, destroy, or confiscate a product that is:

(1) offered or displayed for sale to a consumer in a location that is not appropriately licensed under Subtitle 4 of this title; and

(2) the subject of a violation under subsection (b) or (c) of this section.

(e) (1) If a person who is not a cannabis licensee violates subsection (b) or (c) of this section, the person:

(i) may be charged by a citation; and

(ii) is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $5,000.

(2) If a cannabis licensee violates subsection (b) or (c) of this section, the licensee is subject to disciplinary action by the Administration in accordance with § 36–202 of this title.

§36–1201.

The following persons acting in accordance with the provisions of this title may not be subject to arrest, prosecution, revocation of mandatory supervision, parole, or probation, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the use of or possession of cannabis that is authorized under this title:

(1) a qualifying patient;

(2) a cannabis licensee or cannabis registrant that is licensed or registered under this title;

(3) a certifying provider;

(4) a caregiver;

(5) an academic research representative purchasing medical cannabis under Subtitle 7 of this title;

(6) a hospital, medical facility, or hospice program where a qualifying patient is receiving treatment; or

(7) designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7–446 of the Education Article unless the act or omission constitutes gross negligence or wanton or willful misconduct.

§36–1401.

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

(b) "Borrower" means a business that:

(1) qualifies as a small business under the U.S. Small Business Administration size standards;

(2) applies to a lender for business financing; and

(3) has fewer than 50 employees.

(c) "Department" means the Department of Commerce.

(d) "Lender" means:

(1) a credit union, as defined in § 1–101 of the Financial Institutions Article;

(2) a financial institution, as defined in § 1–101 of the Financial Institutions Article; or

(3) a community development financial institution, as defined in 12 U.S.C. § 4702(5).

(e) "Program" means the Capital Access Program established under this subtitle.

§36–1402.

There is a Capital Access Program in the Department of Commerce.

§36–1403.

The purpose of the Program is to stimulate opportunities for social equity licensees that have difficulty obtaining financing and to establish a loan loss reserve account.

§36–1404.

(a) A loan to a social equity licensee qualifies under the Program if the loan:

(1) satisfies the lending criteria of the lender; and

(2) does not exceed:

(i) for a dispensary, $500,000; or

(ii) for a grower or processor, $1,000,000.

(b) A loan that qualifies under subsection (a) of this section may be short or long term, have fixed or variable rates, and be secured or unsecured.

§36–1405.

(a) To participate in the Program, a lender shall enroll the qualifying loan in the Program not more than 30 days after the date of the first disbursement of the loan.

(b) A lender may enroll all or a portion of a qualifying loan in an amount of not more than:

(1) for a dispensary, $500,000; or

(2) for a grower or processor, $1,000,000.

§36–1406.

(a) The Department shall establish a loan loss reserve account for a lender when the lender enrolls its first loan under the Program.

(b) At the time of enrollment:

(1) the borrower shall make a payment to the account of between 0% and 7% of the enrolled loan amount;

(2) the lender shall make a payment to the account of at least 2% of the enrolled amount; and

(3) the Administration shall make a matching payment to the account in an amount equal to the borrower and lender's aggregate payment under items (1) and (2) of this subsection.

(c) The loan loss reserve account of a lender shall be available for the lender to withdraw if a borrower defaults on a qualifying loan.

(d) The Department shall collaborate with the Office of Social Equity established under § 9–4108 of the State Government Article to identify and assist businesses with obtaining financing from the Program.

(e) The Department shall establish procedures for a lender to withdraw from the Program.

§36–1501.

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

(b) "Cannabis business" means a manufacturer, producer, or another person that:

(1) participates in any business or organized activity that involves handling cannabis or cannabis products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing cannabis or cannabis products; and

(2) engages in an activity described in item (1) of this subsection in accordance with State law.

(c) "Depository institution" means a State–chartered or federally chartered financial institution, other–state bank, or foreign branch that:

(1) is located in the State or maintains branches in the State; and

(2) is authorized to maintain accounts.

(d) (1) "Service provider" means a business, an organization, or any other person that:

(i) sells goods or services to a cannabis business; or

(ii) provides any business services, including the sale or lease of real or any other property, legal or other licensed services, or any other ancillary service, relating to cannabis.

(2) "Service provider" does not include a business, an organization, or any other person that participates in any business or organized activity that involves handling cannabis or cannabis products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing cannabis or cannabis products.

§36–1502.

The provisions in this subtitle apply to:

(1) all banks, credit unions, and other entities operating as depository institutions in the State; and

(2) insurance companies and insurance producers operating in the State.

§36–1503.

(a) The Commissioner of Financial Regulation may not:

(1) terminate or limit the deposit insurance or share insurance of a depository institution under the Federal Deposit Insurance Act or the Federal Credit Union Act, a depository institution operating in the State under the Financial Institutions Article, or take any other adverse action against a depository institution under 12 U.S.C. § 1818 solely because the depository institution provides or has provided financial services to a cannabis business or service provider;

(2) prohibit, penalize, or otherwise discourage a depository institution from providing financial services to a cannabis business in the State;

(3) recommend, incentivize, or encourage a depository institution to not offer financial services to an account holder, or to downgrade or cancel the financial services offered to an account holder solely because:

(i) the account holder is a cannabis business or service provider, or is an employee, owner, or operator of a cannabis business or service provider;

(ii) the account holder later becomes an employee, owner, or operator of a cannabis business or service provider; or

(iii) the depository institution was not aware that the account holder is an employee, owner, or operator of a cannabis business or service provider;

(4) take any adverse or corrective supervisory action on a loan made to:

(i) a cannabis business or service provider solely because the business is a cannabis business or service provider;

(ii) an employee, owner, or operator of a cannabis business or service provider solely because the employee, owner, or operator is employed by, owns, or operates a cannabis business or service provider, as applicable; or

(iii) an owner or operator of real estate or equipment that is leased to a cannabis business or service provider solely because the owner or operator of the real estate or equipment leased the equipment or real estate to a cannabis business or service provider, as applicable; or

(5) prohibit or penalize a depository institution, or an entity performing a financial service for or in association with a depository institution, or otherwise discourage a depository institution, or an entity performing a financial service for or in association with a depository institution, from engaging in a financial service for a cannabis business or service provider.

(b) Subsection (a) of this section shall apply to an institution applying for a depository institution charter to the same extent as it applies to a depository institution.

§36–1504.

For the purposes of 18 U.S.C. §§ 1956 and 1957 and all other provisions of federal law, the proceeds from a transaction involving activities of a cannabis business or service provider may not be considered proceeds from an unlawful activity solely because:

(1) the transaction involves proceeds from a cannabis business or service provider; or

(2) the transaction involves proceeds from:

(i) cannabis activities conducted by a cannabis business; or

(ii) activities conducted by a service provider.

§36–1505.

(a) With respect to providing a financial service to a cannabis business or a service provider, a depository institution, entity performing a financial service for or in association with a depository institution, or insurer that provides a financial service to a cannabis business or service provider, and the officers, directors, and employees of that depository institution, entity, or insurer may not be held liable under any State law or regulation:

(1) solely for providing the financial service; or

(2) for further investing any income derived from the financial service.

(b) An insurer that engages in the business of insurance with a cannabis business or service provider or that otherwise engages with a person in a transaction allowed under State law related to cannabis, and the officers, directors, and employees of that insurer may not be held liable under State law or regulation:

(1) solely for engaging in the business of insurance; or

(2) for further investing any income derived from the business of insurance.

(c) A depository institution that has a legal interest in the collateral for a loan or another financial service provided to an owner, employee, or operator of a cannabis business or service provider, or to an owner or operator of real estate or equipment that is leased or sold to a cannabis business or service provider, may not be subject to criminal, civil, or administrative forfeiture of that legal interest under State law for providing the loan or other financial service.

§36–1506.

(a) This subtitle does not require a depository institution, entity performing a financial service for or in association with a depository institution, or insurer to provide financial services to a cannabis business, service provider, or any other business.

(b) This subtitle may not be construed to limit or otherwise restrict the general examination, supervisory, and enforcement authority of the Commissioner of Financial Regulation, provided that the basis for any supervisory or enforcement action is not the provision of financial services to a cannabis business or service provider.

(c) This subtitle may not be construed to interfere with the regulation of the business of insurance.

§36–1507.

The State may not cooperate or aid federal law enforcement authorities attempting to prosecute financial institutions that are lawfully operating within the confines of this subtitle.