

HOUSE BILL 433

A2

4r1605
CF SB 619

By: **Frederick County Delegation**

Introduced and read first time: January 27, 2014

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2014

CHAPTER _____

1 AN ACT concerning

2 **Frederick County – Alcoholic Beverages – ~~Organizational Licenses~~ Act of**
3 **2014**

4 FOR the purpose of authorizing the Board of License Commissioners of Frederick
5 County to issue a certain alcoholic beverages license to certain organizations
6 located in the county; requiring the net proceeds of the sale of alcoholic
7 beverages under certain licenses to be used solely for certain purposes; altering
8 a certain restriction on the number of bottles of wine that may remain open at
9 any one time at a wine sampling or tasting event in the County; prohibiting a
10 single individual at an event from consuming more than a certain amount of
11 wine from all brands in a single day; requiring the Board to adopt certain
12 regulations; and generally relating to alcoholic beverages licenses in Frederick
13 County.

14 BY repealing and reenacting, without amendments,
15 Article 2B – Alcoholic Beverages
16 Section 7–101(g) and 8–211(a), (b), (c), and (d–1)
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2013 Supplement)

19 BY adding to
20 Article 2B – Alcoholic Beverages
21 Section 8–211(g–1)
22 Annotated Code of Maryland
23 (2011 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
2 Article 2B – Alcoholic Beverages
3 Section 8–406
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2013 Supplement)

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

8 **Article 2B – Alcoholic Beverages**

9 7–101.

10 (g) The special licenses provided for in this section may not be issued in any
11 county or in Baltimore City, or in this State in case of application for statewide license,
12 if the issuance of a regular license of the same class is not authorized by this article.

13 8–211.

14 (a) The provisions of this section apply only in Frederick County.

15 (b) A license for the sale of alcoholic beverages authorized by this article may
16 not be issued for any place of business located in any of the following election districts:

17 (1) Catoctin (6th);

18 (2) Hauvers (10th);

19 (3) Jackson (16th);

20 (4) Linganore (19th); and

21 (5) Ballenger (23rd).

22 (c) Class A, B, and C licenses for the sale of beer only, as authorized by this
23 article, shall be issued for places of business located in any of the following election
24 districts:

25 (1) Jefferson (14th);

26 (2) Johnsville (17th); and

27 (3) Burkittsville (22nd).

28 (d–1) (1) The Board of License Commissioners may issue within the
29 municipal boundaries of the municipal corporation of Middletown:

- 1 (i) Class A, B, or C beer licenses;
- 2 (ii) Class B beer, wine and liquor (on-sale) licenses if the
3 licensed premises derive at least 70% of its monthly gross revenue from the sale of
4 food; or
- 5 (iii) Middletown Wine Festival licenses.

6 (2) In all other areas of the Middletown (3rd) election district, the
7 Board of License Commissioners may only issue:

- 8 (i) Class A, B, or C beer licenses; or
- 9 (ii) Middletown Wine Festival licenses.

10 **(G-1) (1) THE RESTRICTIONS IN THIS SECTION AND IN § 7-101(G) OF**
11 **THIS ARTICLE DO NOT APPLY TO LICENSES ISSUED UNDER THIS SUBSECTION.**

12 **(2) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A**
13 **LICENSE FOR THE SALE OF BEER, WINE, AND LIQUOR FOR CONSUMPTION ON**
14 **THE PREMISES ONLY TO AN ORGANIZATION LOCATED IN THE COUNTY THAT IS A**
15 **BONA FIDE:**

- 16 **(I) RELIGIOUS ORGANIZATION;**
- 17 **(II) FRATERNAL ORGANIZATION;**
- 18 **(III) CIVIC ORGANIZATION;**
- 19 **(IV) WAR VETERANS' ORGANIZATION; OR**
- 20 **(V) PATRIOTIC ORGANIZATION.**

21 **(3) ALL NET PROCEEDS FROM THE SALE OF ALCOHOLIC**
22 **BEVERAGES BY AN ORGANIZATION LICENSED UNDER PARAGRAPH (2) OF THIS**
23 **SUBSECTION SHALL BE USED SOLELY FOR CHARITABLE PURPOSES OR**
24 **OTHERWISE TO FURTHER THE PURPOSES OF THE ORGANIZATION.**

25 8-406.

26 (a) This section applies only in Frederick County.

27 (b) A beer and wine sampling or tasting (BWST) license may only be issued
28 to a holder of a Class A license.

1 (c) The annual license fee is \$200.

2 (d) (1) Applications for a BWST license shall be made on forms supplied
3 by the Board of License Commissioners.

4 (2) Renewals of the license may be made at the time the regular
5 license is renewed.

6 (3) A license may be granted without a hearing.

7 (4) If application for a license is denied, the applicant may request a
8 public hearing before the Board.

9 (e) (1) A holder of a BWST license may allow consumption by a single
10 individual for sampling or tasting purposes of:

11 (i) Not more than 1 ounce of a given brand of light wine; and

12 (ii) Not more than 3 ounces of a given brand of beer.

13 [(2) A maximum of six bottles of wine may be opened at any one time.]

14 (2) THE BOTTLES OF WINE THAT MAY BE OPENED AT ANY ONE
15 TIME AT A WINE SAMPLING OR TASTING EVENT ARE:

16 (I) ALL OF THE BOTTLES IN A WINE PRESERVATION
17 SYSTEM THAT THE BOARD APPROVES; AND

18 (II) NOT MORE THAN SIX OTHER BOTTLES OF WINE OPENED
19 BY A HOLDER OF A SOLICITOR'S PERMIT, THE HOLDER OF THE BWST LICENSE,
20 OR AN EMPLOYEE OF THE LICENSE HOLDER.

21 (3) A SINGLE INDIVIDUAL MAY NOT CONSUME MORE THAN 6
22 OUNCES OF WINE FROM ALL BRANDS IN A SINGLE DAY.

23 [(3)] (4) The licensee shall notify the Board in writing at least 5 days
24 prior to each event.

25 [(4)] (5) Once opened, each bottle used for the beer and wine
26 sampling or tasting event shall be marked that it is to be used for that purpose only.

27 [(5)] (6) The contents of each bottle may not be mixed with any other
28 bottle and all bottles shall be destroyed once they are empty.

29 (f) (1) A BWST license is for on-premises consumption only.

1 (2) Sampling or tasting of beer or wine may not be conducted from a
2 drive-through window.

3 **(G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
4 **SECTION.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.