

# SENATE BILL 196

A2

(0lr1112)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Economic Matters* —

Introduced by **Senator Colburn**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

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

1 AN ACT concerning

### 2 **Wicomico County – Alcoholic Beverages Act of 2010**

3 FOR the purpose of prohibiting a person in Wicomico County who is under the legal  
4 drinking age for the consumption of alcohol from being on a certain premises;  
5 authorizing the Board of License Commissioners to issue a beer tasting license  
6 and a beer/wine tasting license; providing for the fees, application forms,  
7 renewal, and issuance procedures for the licenses; limiting the amount of wine  
8 and beer that may be served at events for which a license is issued; ~~restricting~~  
9 ~~in a certain manner the length of certain events; altering the number of days~~  
10 during which certain events may be held; requiring a license holder to provide  
11 certain notice to the Board of an event; placing certain restrictions on the length  
12 of events; providing for the use and disposal of opened bottles and containers;  
13 authorizing the Board to adopt certain regulations; altering the location for  
14 which a pub–brewery license or a micro–brewery license may be issued;  
15 allowing an individual of a certain age to be employed under certain conditions

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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

*Italics* indicate opposite chamber/conference committee amendments.



1 at a licensed premises for certain purposes; repealing a certain restriction  
 2 applicable to a holder of a micro-brewery license regarding the sale of beer for  
 3 off-premises consumption; clarifying that the Comptroller is the issuer of a  
 4 certain license; defining a certain term; making certain stylistic changes; and  
 5 generally relating to alcoholic beverages in Wicomico County.

6 BY repealing and reenacting, with amendments,  
 7 Article 2B – Alcoholic Beverages  
 8 Section 6–101(x), 6–401(x)(6), 8–412, and 12–104(e)(5)  
 9 Annotated Code of Maryland  
 10 (2005 Replacement Volume and 2009 Supplement)

11 BY repealing and reenacting, without amendments,  
 12 Article 2B – Alcoholic Beverages  
 13 Section 6–401(a)(1) and (x)(1) and (5)  
 14 Annotated Code of Maryland  
 15 (2005 Replacement Volume and 2009 Supplement)

16 BY adding to  
 17 Article 2B – Alcoholic Beverages  
 18 Section 12–302(b)(13)  
 19 Annotated Code of Maryland  
 20 (2005 Replacement Volume and 2009 Supplement)

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

23 **Article 2B – Alcoholic Beverages**

24 6–101.

25 (x) (1) This subsection applies only in Wicomico County.

26 (2) The maximum number of licenses is three.

27 (3) Any license issued under the provisions of this section shall be  
 28 issued only to existing establishments that already have a Class B beer, wine and  
 29 liquor (restaurant) license and have been continually operating as a restaurant in the  
 30 county for 3 months prior to the application for this license.

31 (4) Any license issued under the provisions of this section shall apply  
 32 only to the area described in the application and that area may not exceed 20 percent  
 33 of the area normally used in the operation of the restaurant business. This area must  
 34 be contiguous to and adjoin the restaurant establishment.

35 (5) (i) [1.] The annual license fee is [\$2,200] **\$4,400**.

1 [2. During calendar year 1997, the annual license fee is  
 2 \$3,300.

3 3. During calendar year 1998 and thereafter, the annual  
 4 license fee is \$4,400.]

5 (ii) This fee shall be paid in addition to the fee paid for the Class  
 6 B (restaurant) license.

7 (6) All alcoholic beverages other than beer and light wine shall be  
 8 purchased from the Liquor Control Board for Wicomico County and the licensee shall  
 9 be charged not more than 15 percent above the wholesale operating cost to the  
 10 dispensary.

11 6-401.

12 (a) (1) A Class D beer, wine and liquor license shall be issued by the  
 13 license issuing authority of the county in which the place of business is located. It  
 14 authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the  
 15 place described in it, for consumption on the premises or elsewhere. A license may not  
 16 be issued for any drugstore.

17 (x) (1) This subsection applies only in Wicomico County.

18 (5) Alcoholic beverages sold under the provisions of this section shall  
 19 be consumed on the premises only.

20 (6) A person may not be on the premises who is under the legal  
 21 **DRINKING** age for the consumption of [beer and light wine] **ALCOHOL** in [this] **THE**  
 22 State.

23 8-412.

24 **(A) IN THIS SECTION, "LICENSE" MEANS A BEER TASTING (BT)**  
 25 **LICENSE, A WINE TASTING (WT) LICENSE, OR A BEER/WINE TASTING (BWT)**  
 26 **LICENSE.**

27 **[(a)] (B)** This section applies only in Wicomico County.

28 **[(b)] (C)** (1) The Board of License Commissioners may issue a:

29 **(I) BEER TASTING (BT) LICENSE FOR BEER TASTING AND**  
 30 **SAMPLING;**

31 **(II) [wine] WINE tasting (WT) license for wine tasting and**  
 32 **sampling; AND**

1                   **(III) BEER/WINE TASTING (BWT) LICENSE FOR BEER OR**  
 2 **WINE TASTING AND SAMPLING.**

3                   (2) A [WT] license may be issued only to a holder of a Class A beer and  
 4 wine (off-sale) license **OR A CLASS A BEER, WINE AND LIQUOR (OFF-SALE)**  
 5 **LICENSE.**

6           **[(c)] (D)**     The annual [WT license] fee is:

7                   **(1) FOR A BT LICENSE, \$150;**

8                   **(2) FOR A WT LICENSE, \$150; AND**

9                   **(3) FOR A BWT LICENSE, \$250.**

10           **[(d)] (E)**   (1) An application for a [WT] license shall be made on a form  
 11 that the Board of License Commissioners provides.

12                   (2) A renewal of the [WT] license may be made at the time the Class A  
 13 beer and wine (off-sale) license **OR THE CLASS A BEER, WINE AND LIQUOR**  
 14 **(OFF-SALE) LICENSE** is renewed.

15                   (3) The Board of License Commissioners may grant a [WT] license  
 16 without a hearing.

17                   (4) If application for a [WT] license is denied, the applicant may  
 18 request a public hearing before the Board of License Commissioners.

19           **[(e)] (F)**   (1) [A WT license holder may not serve to any person for  
 20 sampling or tasting purposes more than 1 ounce from each brand.] **AN INDIVIDUAL**  
 21 **MAY BE SERVED, FOR SAMPLING OR TASTING PURPOSES, NOT MORE THAN:**

22                           **(I) 1 OUNCE OF WINE FROM EACH BRAND; OR**

23                           **(II) 3 OUNCES OF BEER FROM EACH BRAND.**

24                   (2) A maximum of:

25                           **(I) [six] SIX bottles OF WINE** may be open at any one time at a  
 26 wine **OR BEER AND WINE** sampling or tasting event; **OR**

27                           **(II) SIX CONTAINERS OF BEER MAY BE OPEN AT ANY ONE**  
 28 **TIME AT A BEER OR BEER AND WINE SAMPLING OR TASTING EVENT.**

1 (3) The total number of days during which **BEER, wine, OR BEER AND**  
 2 **WINE** sampling or tasting events are held may not exceed ~~15 FOR EACH EVENT~~ **20** in  
 3 any period for which a [WT] license is in effect.

4 (4) A [WT] license holder shall notify the Board of License  
 5 Commissioners in writing at least 5 days before a **BEER, wine, OR BEER AND WINE**  
 6 sampling or tasting event.

7 (5) Once opened, each bottle **OR CONTAINER** used for a **BEER, wine,**  
 8 **OR BEER AND WINE** sampling or tasting event shall be marked that it is to be used  
 9 for that purpose only.

10 (6) The contents of each bottle **OR CONTAINER** may not be mixed with  
 11 any other bottle **OR CONTAINER**, and all bottles **AND CONTAINERS** shall be destroyed  
 12 once they are empty.

13 ~~[(f)]~~ **(G)** (1) A [WT] license is for on-premises consumption only.

14 (2) [Wine] **BEER, WINE, OR BEER AND WINE** sampling or tasting  
 15 may not be conducted from a drive-through window.

16 **(H) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT**  
 17 **REGULATIONS TO CARRY OUT THIS SECTION.**

18 12-104.

19 (e) (5) (i) This paragraph applies only in Wicomico County.

20 (ii) Subject to subparagraphs (iii) and (iv) of this paragraph,  
 21 [the Board of License Commissioners] **THE COMPTROLLER** may issue one Class 6  
 22 pub-brewery license or one Class 7 micro-brewery license, but not both, to a person  
 23 that holds not more than three Class B beer, wine and liquor licenses.

24 (iii) ~~A **ONE** A~~ Class 6 pub-brewery license or ~~a **ONE** a~~ Class 7  
 25 micro-brewery license issued under subparagraph (ii) of this paragraph ~~**BUT NOT**~~  
 26 ~~**BOTH**~~ may be issued only for a location in an enterprise zone [in the City of  
 27 Salisbury].

28 (iv) ~~A holder of a Class 7 micro-brewery license issued under~~  
 29 ~~subparagraph (ii) of this paragraph may sell beer for off-premises consumption only to~~  
 30 ~~a wholesaler licensed under this article.~~

31 12-302.

1 (b) In the following jurisdictions the specified exceptions to subsection (a) of  
2 this section apply:

3 (13) IN WICOMICO COUNTY, AN INDIVIDUAL WHO IS AT LEAST 16  
4 YEARS OLD AND HAS A WORK PERMIT MAY BE EMPLOYED AT A LICENSED  
5 PREMISES TO STOCK ALCOHOLIC BEVERAGES OR CLEAR TABLES AND BAR  
6 AREAS.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 July 1, 2010.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.