SENATE BILL 49

A2 4lr0829 (PRE–FILED)

By: Senator Hershey

Requested: November 6, 2013

Introduced and read first time: January 8, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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Kent County - Alcoholic Beverages Act of 2014

3 FOR the purpose of authorizing the Board of License Commissioners for Kent County 4 to issue a beer or wine tasting (BWT) license to the holder of certain alcoholic 5 beverages licenses; providing that a BWT license authorizes, for tasting 6 purposes only, the on-premises consumption of certain wine or beer; limiting 7 the amount of beer or wine that the holder of a BWT license may allow to be 8 consumed by a single individual in a single day; prohibiting a BWT license 9 holder from conducting a wine tasting and a beer tasting in a single day; 10 providing for an annual license fee; specifying that the selection of wine or beer offered at a tasting is not limited to wine or beer produced in the State; 11 12 authorizing a holder of a BWT license to offer for sale certain beer under certain circumstances; permitting summonses in Kent County to be served by the 13 14 inspector employed by the Board of License Commissioners; providing that 15 certain penalties imposed for violation of the alcoholic beverages laws do not 16 limit, but are in addition to, other penalties for the same violation and are 17 independent of any related court action based on the same violation; authorizing 18 a certain alcoholic beverages inspector to issue a citation in the County; 19 requiring the inspector to complete a training program in the use of arrest 20 authority and pertinent police procedures; prohibiting an inspector in the 21County from carrying a firearm in the performance of the inspector's duties; and 22 generally relating to alcoholic beverages in Kent County.

23 BY renumbering

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Article 2B – Alcoholic Beverages

25 Section 8–408.2

26 to be Section 8–408.3

27 Annotated Code of Maryland

28 (2011 Replacement Volume and 2013 Supplement)



1	BY adding to								
2	Article 2B – Alcoholic Beverages								
3	Section 8–408.2								
4	Annotated Code of Maryland								
5	(2011 Replacement Volume and 2013 Supplement)								
6	BY repealing and reenacting, with amendments,								
7	Article 2B – Alcoholic Beverages								
8	Section 16–410(b) and 16–507(p)								
9	Annotated Code of Maryland								
10	(2011 Replacement Volume and 2013 Supplement)								
11	BY repealing and reenacting, with amendments,								
12	Article – Criminal Law								
13	Section 10–119(b)								
14	Annotated Code of Maryland								
15	(2012 Replacement Volume and 2013 Supplement)								
16	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF								
17	MARYLAND, That Section(s) 8-408.2 of Article 2B - Alcoholic Beverages of the								
18	Annotated Code of Maryland be renumbered to be Section(s) 8–408.3.								
19	SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland								
20	read as follows:								
21	Article 2B - Alcoholic Beverages								
22	8-408.2.								
23	(A) THIS SECTION APPLIES ONLY IN KENT COUNTY.								
20	(A) THIS SECTION ATTEIES ONLT IN RENT COUNTY.								
24	(B) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A BEER OR								
25	WINE TASTING (BWT) LICENSE TO THE HOLDER OF A CLASS A BEER AND WINE								
26	LICENSE OR A CLASS A BEER, WINE AND LIQUOR LICENSE.								
27	(C) A BWT LICENSE AUTHORIZES, FOR TASTING PURPOSES ONLY, THE								
28	ON-PREMISES CONSUMPTION OF:								
29	(1) WINE THAT CONTAINS NOT MORE THAN 22% ALCOHOL BY								
30	VOLUME; OR								
31	(2) BEER BREWED BY A HOLDER OF A MICRO-BREWERY LICENSE								
32	ISSUED UNDER § 2–208 OF THIS ARTICLE OR AN EQUIVALENT								
33	OUT-OF-STATE LICENSE.								

1 2	(D) A HOLDER OF A BWT LICENSE MAY ALLOW CONSUMPTION BY A SINGLE INDIVIDUAL IN A SINGLE DAY OF:
3 4	(1) NOT MORE THAN 2 OUNCES OF A GIVEN BRAND AND NOT MORE THAN 4 OUNCES FROM ALL BRANDS OF WINE; OR
5 6	(2) NOT MORE THAN 2 OUNCES OF BEER FROM ANY GIVEN BRAND AND NOT MORE THAN 6 OUNCES FROM ALL BRANDS OF BEER.
7 8	(E) A BWT LICENSE HOLDER MAY NOT CONDUCT A WINE TASTING AND A BEER TASTING ON THE SAME DAY.
9	(F) THE ANNUAL BWT LICENSE FEE IS \$200.
10 11	(G) THE SELECTION OF WINE OR BEER OFFERED AT A TASTING IS NOT LIMITED TO WINE OR BEER PRODUCED IN THE STATE.
12 13	(H) THE HOLDER OF A BWT LICENSE MAY OFFER FOR SALE BEER PERMITTED FOR TASTING IF:
14 15	(1) THE BEER IS SOLD IN REFILLABLE CONTAINERS THAT ARE SEALED BY THE HOLDER OF THE BWT LICENSE; AND
16	(2) Unsold beer is returned to the provider.
17	16–410.
18 19 20	(b) (1) For the purpose of all hearings and inquiries which the board is authorized to hold and make, the board may issue summonses for witnesses, and administer to them oaths or affirmations.
21	(2) (i) All summonses shall be served by the sheriff, except that:
22 23	1. In the City of Annapolis, summonses may also be served by the Annapolis Police Department;
24 25 26	2. In Anne Arundel County, summonses may also be served by inspectors employed by the Board and by the Anne Arundel County Police Department;
27 28	3. In Baltimore City, summonses may also be served by inspectors employed by the Board of Liquor License Commissioners for Baltimore City:

4. In Cecil County, summonses may also be served by inspectors employed by the Cecil County Board of License Commissioners;

1 2 3	5. In Dorchester County, summonses may also be served by the inspector employed by Dorchester County and assigned to the Board of License Commissioners; [and]							
4 5	inspectors	employ	ed by t	6. the Ha	In Harford County, summonses may also be served by rford County Liquor Control Board; AND			
6 7 8	7. IN KENT COUNTY, SUMMONSES MAY ALSO BE SERVED BY THE INSPECTOR EMPLOYED BY THE KENT COUNTY BOARD OF LICENSE COMMISSIONERS.							
9 10 11 12 13	(ii) If any witness summoned refuses or neglects to attend, or if attending, refuses to testify, the official issuing the summons shall report the facts to the circuit court for the county. The court shall proceed by attachment against the witness in all respects as if the witness summoned to appear in the court in a case pending before it had neglected or refused to do so.							
14	16–507.							
15	(p)	(1)	This	subsec	etion applies only in Kent County.			
16 17	(2) Except as provided otherwise, the Board of License Commissioners may impose the following penalties for a violation of any provision of this article:							
18			(i)	For t	he first offense:			
19				1.	Suspension of the license;			
20 21	days; and			2.	Closure of the place of business for not more than 15			
22				3.	A fine not exceeding \$1,000;			
23			(ii)	For t	he second offense:			
24				1.	Suspension of the license;			
25 26	days; and			2.	Closure of the place of business for not more than 30			
27				3.	A fine not exceeding \$2,000;			
28			(iii)	For t	he third or subsequent offense:			
29				1.	Suspension of the license;			

1 2	days; and		2. Closure of the place of business for not more than 90		
3			3. A fine not exceeding \$2,500; and		
4 5	previous offenses:	(iv)	For a third offense that is the same as either of the 2		
6			1. Revocation of the license;		
7			2. Prohibition of licensure of the violator; and		
8 9	not more than 1 ye	ar fror	3. Prohibition of licensure of the premises for a period of m the date of the revocation of the license.		
10 11	(3) SUBSECTION:	ТНЕ	PENALTIES PROVIDED IN PARAGRAPH (2) OF THIS		
12 13 14	SPECIFIC OR GEARTICLE; AND	(I) NERA	DO NOT LIMIT, BUT ARE IN ADDITION TO, OTHER L PENALTIES FOR THE SAME VIOLATION UNDER THIS		
15 16	(II) ARE INDEPENDENT OF ANY RELATED COURT ACTION BASED ON THE SAME VIOLATION.				
17 18 19 20	[(3)] (4) The Board of License Commissioners shall hear and determine a case within 30 days from the date the violation is reported by an inspector or law enforcement officer. The Board shall make a determination of the case within 15 days after the conclusion of the hearing.				
21 22	[(4)](8) of the Board to sus	-	An appeal from the Board's decision may not stay an order a license or close a place of business.		
23			Article - Criminal Law		
24	10–119.				
25 26	(b) (1) of § 10–118 of this		ation for a violation of §§ 10–113 through 10–115 or a violation hay be issued by:		
27		(i)	a police officer authorized to make arrests;		
28 29 30	monuments, and rethe Natural Resour		in State forestry reservations, State parks, historic ion areas, a forest or park warden under § 5–206(a) or (b) of rticle; and		

1	(iii) subject to paragraphs (2) and (3) of this subsection, in Anne
2	Arundel County, Frederick County, Harford County, KENT COUNTY, Montgomery
3	County, Prince George's County, and Talbot County, and only in the inspector's
4	jurisdiction, an alcoholic beverages inspector who investigates license violations under
5	Article 2B of the Code.

- 6 (2) In Anne Arundel County, Frederick County, Harford County,
 7 **KENT COUNTY,** Montgomery County, Prince George's County, and Talbot County, the
 8 inspector shall successfully complete an appropriate program of training in the proper
 9 use of arrest authority and pertinent police procedures as required by the board of
 10 license commissioners.
- 11 (3) In Anne Arundel County, Harford County, **KENT COUNTY,**12 Montgomery County, Prince George's County, and Talbot County, the inspector may
 13 not carry a firearm in the performance of the inspector's duties.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.