HOUSE BILL 789

A2   EMERGENCY BILL   (0lr2013)
                                    ENROLLED BILL

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

Introduced by **Washington County Delegation**

Read and Examined by Proofreaders:

_____
                                                                Proofreader.

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                                                                Proofreader.

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

_____ day of _____ at _____ o'clock, _____M.

_____
                                                                Speaker.

CHAPTER _____

1   AN ACT concerning

2   **Washington County – Alcoholic Beverages – Wineries – Special Event Permits**

3   FOR the purpose of establishing a special event permit in Washington County; authorizing
4   a holder of a Class 3 winery license or a Class 4 limited winery license in the county
5   to sell beer, wine produced by the holder, <u>certain sparkling wine,</u> and liquor for
6   on–premises consumption at certain events <u>under the permit; requiring a license</u>
7   <u>holder to purchase certain alcoholic beverages from a licensed retailer;</u> requiring ~~the~~
8   ~~permit~~ <u>a license</u> holder to keep certain receipts for a certain period of time; requiring
9   ~~the permit~~ <u>a license</u> holder to notify the Board of License Commissioners for
10   Washington County on or before a certain time before using the permit; establishing
11   a certain limit on the number of times the permit may be used; establishing an
12   annual permit fee; making conforming changes; making this Act an emergency
13   measure; and generally relating to alcoholic beverages in Washington County.

14   BY repealing and reenacting, without amendments,

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
    [Brackets] indicate matter deleted from existing law.
    <u>Underlining</u> 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.

HB0789

1   Article – Alcoholic Beverages
2   Section 31–102
3   Annotated Code of Maryland
4   (2016 Volume and 2019 Supplement)

5 BY repealing and reenacting, with amendments,
6   Article – Alcoholic Beverages
7   Section 31–401
8   Annotated Code of Maryland
9   (2016 Volume and 2019 Supplement)

10 BY adding to
11   Article – Alcoholic Beverages
12   Section 31–402.1
13   Annotated Code of Maryland
14   (2016 Volume and 2019 Supplement)

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

<div align="center">

Article – Alcoholic Beverages

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17

18 31–102.

19   This title applies only in Washington County.

20 31–401.

21   (a)   The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of
22 Division I of this article apply in the county without exception or variation:

23   (1)   § 2–201 ("Issuance by Comptroller");

24   (2)   § 2–202 ("Class 1 distillery license");

25   (3)   § 2–203 ("Class 9 limited distillery license");

26   (4)   § 2–204 ("Class 2 rectifying license");

27   (5)   **[**§ 2–205 ("Class 3 winery license");

28   (6)   § 2–206 ("Class 4 limited winery license");

29   (7)**]**   § 2–207 ("Class 5 brewery license");

30   **[**(8)**] (6)**   § 2–210 ("Class 8 farm brewery license");

1   **[**(9)**] (7)**   § 2–211 ("Residency requirement");

2   **[**(10)**] (8)**   § 2–212 ("Additional licenses");

3   **[**(11)**] (9)**   § 2–213 ("Additional fees");

4   **[**(12)**] (10)**   § 2–214 ("Sale or delivery restricted");

5   **[**(13)**] (11)**   § 2–216 ("Interaction between manufacturing entities and
6   retailers");

7   **[**(14)**] (12)**   § 2–217 ("Distribution of alcoholic beverages — Prohibited
8   practices"); and

9   **[**(15)**] (13)**   § 2–218 ("Restrictive agreements between producers and
10   retailers — Prohibited").

11   (b)   The following sections of Title 2, Subtitle 2 ("Manufacturer's Licenses") of
12   Division I of this article apply in the county:

13   **(1)   § 2–205 ("CLASS 3 WINERY LICENSE"), SUBJECT TO § 31–402.1 OF**
14   **THIS SUBTITLE;**

15   **(2)   § 2–206 ("CLASS 4 LIMITED WINERY LICENSE"), SUBJECT TO §**
16   **31–402.1 OF THIS SUBTITLE;**

17   **[**(1)**] (3)**   § 2–208 ("Class 6 pub–brewery license"), subject to § 31–403 of
18   this subtitle;

19   **[**(2)**] (4)**   § 2–209 ("Class 7 micro–brewery license"), subject to § 31–404 of
20   this subtitle; and

21   **[**(3)**] (5)**   § 2–215 ("Beer sale on credit to retail dealer prohibited"), subject
22   to § 31–405 of this subtitle.

23   **31–402.1.**

24   **(A)   THERE IS A SPECIAL EVENT PERMIT.**

25   **(B)   THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS 3 WINERY**
26   **LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

27   **(C)   THE PERMIT AUTHORIZES THE HOLDER TO SELL FOR ON–PREMISES**
28   **CONSUMPTION BEER, WINE PRODUCED BY THE HOLDER, <u>SPARKLING WINE THAT IS</u>**

1   <u>NATURALLY OR ARTIFICIALLY CARBONATED,</u> AND LIQUOR AT AN EVENT FOR WHICH
2   THE ENTIRE LICENSED PREMISES HAS BEEN RENTED.

3   **(D)**   <u>THE LICENSE HOLDER SHALL PURCHASE BEER, SPARKLING WINE THAT</u>
4   <u>IS NATURALLY OR ARTIFICIALLY CARBONATED, OR LIQUOR INTENDED FOR SALE</u>
5   <u>UNDER THE PERMIT FROM A LICENSED RETAILER.</u>

6   **(E)**   <u>THE LICENSE HOLDER SHALL KEEP ALL RECEIPTS OF PURCHASE OF</u>
7   <u>ALCOHOLIC BEVERAGES FOR 1 YEAR AFTER THE DATE OF PURCHASE.</u>

8   ~~(E)~~ **(F)**   THE LICENSE HOLDER THAT INTENDS TO USE THE PERMIT SHALL
9   NOTIFY THE BOARD AT LEAST 1 WEEK BEFORE THE EVENT IS TO OCCUR.

10   ~~(F)~~ **(G)**   THE LICENSE HOLDER MAY USE THE PERMIT NOT MORE THAN ~~60~~
11   *32* TIMES IN A YEAR.

12   ~~(G)~~ **(H)**   THE ANNUAL PERMIT FEE IS $1,000.

13   SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
14   measure, is necessary for the immediate preservation of the public health or safety, has
15   been passed by a yea and nay vote supported by three–fifths of all the members elected to
16   each of the two Houses of the General Assembly, and shall take effect from the date it is
17   enacted.

Approved:

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                                                            Governor.

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                                          Speaker of the House of Delegates.

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                                                President of the Senate.