

# SENATE BILL 619

A2

(4lr2818)

## ENROLLED BILL

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

Introduced by **Senators Brinkley and Young**

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 **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,

---

#### 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 Article 2B – Alcoholic Beverages  
 2 Section 7–101(g) and 8–211(a), (b), (c), and (d–1)  
 3 Annotated Code of Maryland  
 4 (2011 Replacement Volume and 2013 Supplement)

5 BY adding to  
 6 Article 2B – Alcoholic Beverages  
 7 Section 8–211(g–1)  
 8 Annotated Code of Maryland  
 9 (2011 Replacement Volume and 2013 Supplement)

10 BY repealing and reenacting, with amendments,  
 11 Article 2B – Alcoholic Beverages  
 12 Section 8–406  
 13 Annotated Code of Maryland  
 14 (2011 Replacement Volume and 2013 Supplement)

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

17 **Article 2B – Alcoholic Beverages**

18 7–101.

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

22 8–211.

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

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

- 26 (1) Catoctin (6th);  
 27 (2) Hauvers (10th);  
 28 (3) Jackson (16th);  
 29 (4) Linganore (19th); and  
 30 (5) Ballenger (23rd).

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

4 (1) Jefferson (14th);

5 (2) Johnsville (17th); and

6 (3) Burkittsville (22nd).

7 (d-1) (1) The Board of License Commissioners may issue within the  
8 municipal boundaries of the municipal corporation of Middletown:

9 (i) Class A, B, or C beer licenses;

10 (ii) Class B beer, wine and liquor (on-sale) licenses if the  
11 licensed premises derive at least 70% of its monthly gross revenue from the sale of  
12 food; or

13 (iii) Middletown Wine Festival licenses.

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

16 (i) Class A, B, or C beer licenses; or

17 (ii) Middletown Wine Festival licenses.

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

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

24 **(I) RELIGIOUS ORGANIZATION;**

25 **(II) FRATERNAL ORGANIZATION;**

26 **(III) CIVIC ORGANIZATION;**

27 **(IV) WAR VETERANS' ORGANIZATION; OR**

28 **(V) PATRIOTIC ORGANIZATION.**

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

5 8-406.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1                    ~~[(3)]~~ **(4)**        The licensee shall notify the Board in writing at least 5 days  
2 prior to each event.

3                    ~~[(4)]~~ **(5)**        Once opened, each bottle used for the beer and wine sampling  
4 or tasting event shall be marked that it is to be used for that purpose only.

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

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

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

10            **(G)    THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**  
11 **SECTION.**

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

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.